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ABSTRACT

This text examines some of the basic processes of American Society, particularly the way it perceives values and makes decisions concerning values. Occasionally the text relates lessons to health-care problems and situations. Lessons consist of readings, projects, and question-answer exercises. (RE)

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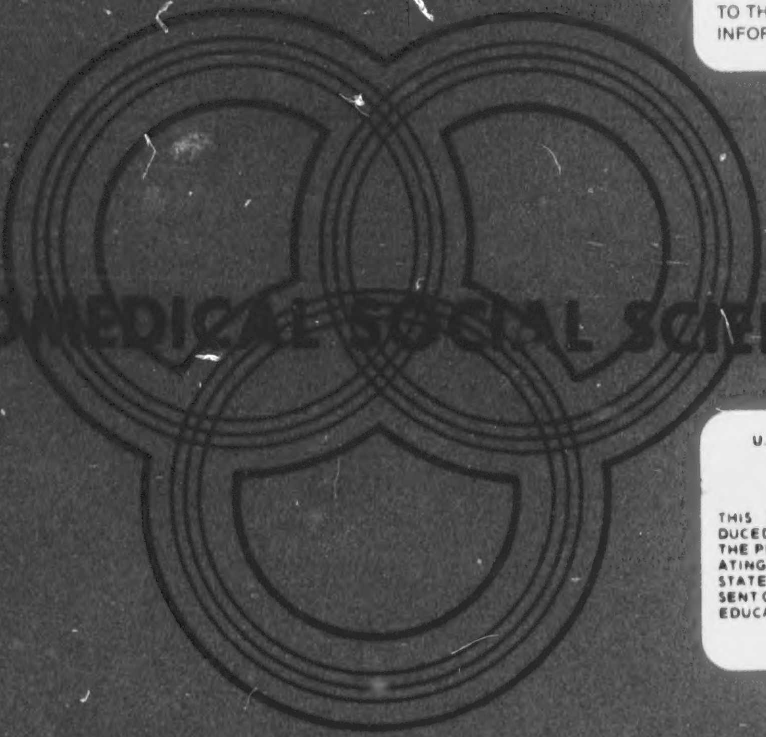

BIOMEDICAL SOCIAL SCIENCE

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UNIT III

DECISION-MAKING AND HEALTH IN AMERICAN SOCIETY

STUDENT TEXT

SE 027 996

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AN IMPORTANT DECISION

In Unit III of Biomedical Science you will be studying the topic of transport--the movement of nutrients to cells and the removal of waste products from cells by the blood. In Unit III of Biomedical Social Science you will be examining some of the basic processes of American society--the ways in which the society functions and makes decisions. From time to time it will be possible to relate these processes to health care delivery. For example, we will use a transport-related topic to illustrate a decision-making situation. Imagine that the following event is a real one. In fact, it could not happen today, but it will very likely be possible in the near future, when artificial and self-supporting hearts are a reality.

* * * * *

Heart Research Hospital is famous for its team of skilled heart surgeons. In the late sixties and early seventies, when heart transplants were seen as a way of saving lives, many difficult operations were performed at Heart Research Hospital. Patients from all over the country came here for transplant operations. The hospital still has all the facilities necessary for successful transplants, including an outstanding team of surgeons. And now the hospital has a chance to try the latest development, the implanting of a self-contained artificial heart. This nuclear-powered device is capable of performing much as a real heart performs; the patient does not need to be connected to an outside power source. Once the heart is successfully implanted, it will last for many years--more years than any patient will likely need it. But the device is very expensive, and the operation to install it is also expensive. The hospital is able to acquire one of these new hearts at a cost of $100,000, but only one is available at this time.

Heart Research Hospital is a private hospital supported by generous donors, fees paid by patients, and some research grants obtained from the federal government. Many patients who could not afford to pay for the services they needed have been treated anyway, because the hospital has determined that they are most likely to benefit from the treatment. Sometimes insurance has helped these people pay their hospital bills. Even so, the hospital's Board of Directors knows that a $100,000 artificial heart will have to be paid for by the patient or the money will have to come from the hospital budget and won't be available for other needed services. Even if the hospital has a patient who can afford the new heart, there is the added expense of surgeons' fees and of the days the patient must spend in follow-up care after the operation.

Seven persons need the operation whenever it can be accomplished at Heart Research Hospital. Now that it is possible to obtain an artificial heart, a decision must be made. One of the seven will get the new heart, and the other six must wait. This is very important because all seven need the operation as soon as possible; they may not live until another is available. Who should receive the artificial heart?

* * * * *

Imagine that you are the decision-maker in this situation. You are to select one of the seven applicants, and reject the other six. You will be asked to select your first and second choices. You will also be asked to rank in order of importance six criteria that could be used in reaching your decision. The criteria are: (1) income or family wealth, (2) accomplishments, (3) role and/or occupation, (4) potential for further accomplishments, (5) age and (6) number of dependents. Of course, you do not have to use all of these criteria, and you may think of others. But for purposes of the activity that follows, at least consider these six criteria. When you have made your decision, assign a rank of "1" to the criterion you think was most important in reaching your decision and a rank of "6" to the criterion you think was least important. Here are descriptions of all seven applicants.

Kay Marie Ring

Age: 53

Occupation: Marine Biologist

Family: Husband and one grown daughter

Four years ago Kay and two of her colleagues developed a method of growing high-protein algae. This discovery has prevented the starvation of many people in the underdeveloped regions of the world. For the development of the protein source Kay and her colleagues received a Nobel Prize. Kay is currently working with a team of scientists who are charting the location of underwater food resources. Last month Kay suffered a

1

massive heart attack, and her life is in danger because her heart still is not pumping properly. Other marine biologists feel that without her skills and knowledge the development of underwater resources would be set back two years.

Patty Titchener

Age: 29

Occupation: Housewife

Family: Husband and three children ages 9, 5 and 3

Patty was married two years after her high school graduation. She worked two years as a receptionist in a bank to save enough money so that she and Dave could buy a house. Since she left her job she has devoted herself to being a good mother to her three children. She attends P.T.A. meetings and never misses a parent conference. Four years ago, when her oldest child needed corrective eye surgery, Patty went back to work for seven months so that the child could have the operation. Her husband is currently a sales manager for a major department store. Patty has a heart defect, which was detected soon after she was born. Since the birth of her youngest child three years ago, Patty's heart condition has become much worse. The heart defect cannot be corrected by surgical repairs.

Bill Moran

Age: 30

Occupation: Prisoner

Family: Unknown

Bill has spent 17 of his 30 years in jail. Growing up in Chicago was not easy for a boy without a father. Bill began stealing from stores in grade school, and progressed to car theft in high school. As a teenager it seemed that when Bill wasn't stealing something he was either in reform school or in the courts. During Bill's last burglary he carried a gun for the first time. At the trial, when asked why he steals, Bill said, "Nobody ever gives anybody nothing. The last time someone gave me something was twenty years ago. My mom gave me a truck for Christmas. The damn thing broke. If you want something you've got to take it." Two years ago in prison doctors found irregularity in Bill's heartbeat to be caused by a leaky valve. A plastic valve was inserted to improve his heart function. His body has been slowly rejecting the valve, and his only hope is to receive an artificial heart.

Sam Goldsmith

Age: 25

Occupation: Shipping Clerk

Family: Wife and one child, age 3

Sam fought his way through school up to the age of 16. At that time his father ran off and Sam went to work to help support his mother and three younger brothers. After a series of dead-end jobs Sam met Bonnie and they married. Bonnie persuaded Sam to finish high school at night. It took Sam a year of night school to become a high school graduate, but he made it. With his high school diploma he applied for the job of shipping clerk at Mason's Christmas Display Company. The pay is good and there is room in the small company for an energetic worker like Sam to advance. On one of Sam's frequent camping trips with his wife and child he felt increasing pain in his chest. This was the first of several heart attacks, and now he has severe pain on the slightest exertion.

Robert Salsbury

Age: 42

Occupation: President, Superior Oil Co.

Family: Wife and three children ages 19, 17 and 14

Robert's heart attack came as quite a shock to the Salsburys. Robert had always been energetic. It was not uncommon for him to rise at 6:30, play tennis at the club, have a breakfast meeting and start his day at the office before 10:00. Often he worked far into the night. An increasing work load had put extra demands on Robert's time. Any leisure time he once had, he now used to supervise his company's exploration for new sources of oil and meet with governmental experts to discuss the best use of energy resources.

Irma Nystrom

Age: 66

Occupation: Housewife

Family: Husband, two grown children and seven grandchildren

Irma and her husband Fred live in a modest two-bedroom home in the suburbs of the city. They live comfortably on Fred's pension and savings. Fred retired two years ago and is in good health. With part of their savings Fred and Irma plan to take trips around the United States to visit all the places they have heard about. As Irma said, "When you work 45 years of your life, and sacrifice to bring your children up right and give them what they need, you deserve some reward in your later years." A series of heart attacks that have progressively deteriorated Irma's heart have altered their plans.

Andre LaBerge

Age: 41

Occupation: Writer

Family: Wife, no children

After serving four years in the Navy Andre went to college, and by working nights he graduated with a degree in journalism. He spent the next few years as a free-lance writer, selling an occasional story to magazines and writing a novel. The novel was published, and it established Andre as a bright young novelist. Since then he has written four major novels, each one a literary and financial success. He was married nine years ago but after eight months he and his wife separated. They are not divorced and still see each other socially. Andre is currently working on an outline for a major novel concerning the life-styles of the 1920's. Two days ago, Andre was in an auto accident that ruptured his heart. Corrective surgery was performed but, due to the extensive nature of the injury, his doctors say he needs an artificial heart.

VALUE STATEMENTS

Consider these sentences:

> "There's no good reason for not fluoridating drinking water."
>
> "I think all drinking water should be fluoridated."
>
> "Fluoridated drinking water is good for you and everybody ought to drink it."

All these sentences say essentially the same thing. Without any change in meaning, they could all be translated,

> "People should drink fluoridated water."

This is a statement about how people ought to behave, about what people should do. Any sentence that can be translated into a statement of the form, "People should...," is a value statement. Some value statements say that people should not do certain things--for example, "People should not drink fluoridated water." And some other value statements say that only certain people should or should not do certain things--for example, "Children should drink fluoridated water," or, "People with mottled teeth should not drink fluoridated water." These are all value statements because they are all about how people should behave.

Value statements, unlike some other kinds of statements, cannot be shown to be either true or false. They do not state that something is true, they state that something *should be true*. If a value statement is neither true nor false, then how can we determine whether we agree with it? Only by figuring out whether the value statement agrees with our own ideas about what should be true.

The way to test a value statement, then, is not to start looking for evidence--evidence won't help--but rather to start asking, "Why?" and see whether we can come up with a reason that we agree with. Here is an example of how one person might apply this test to the statement with which this reading began.

"People should drink fluoridated water."

"Why?"

"Drinking fluoridated water helps prevent dental caries, and *people should prevent dental caries*."

"Why?"

"Dental caries is a disease process, and *people should prevent disease*."

"Why?"

"Disease prevents people from living as productive a life as possible, and *people should live as productive a life as possible*."

"Why?"

"A productive life is good." [This is just a restatement of the last answer.]

"Why?"

"It just is, that's all."

This person has reduced the original value statement, "People should drink fluoridated water," to an idea he agrees with about what should be true: "People should live as productive a life as possible," or, "A productive life is good." Other people might introduce different reasons along the way. For example, they might say that people should prevent disease because disease is painful, or because it is expensive, or because it burdens the nation's health resources. The point is, however, that if they can reduce the original value statement to a statement *they* agree with about what should be true, then they can conclude that they agree with the original value statement.

The end of this test of agreement with a value statement is a value statement itself--for example, "People should live as productive a life as possible." When a person gets down to a value statement that he simply *believes*--one that does not require any reasons as far as he is concerned--then that person has arrived at one of his own *value principles*. As the example above shows, different people can support the same value statement even though they have different value principles; several different value principles agree with the value statement, "People should drink fluoridated water." Conversely, one value principle can support many value statements. For example, the value principle, "People should live as productive a life as possible," could support many value statements having to do with health care, diet, environmental quality, the types of work people do and so forth.

To review: A value statement is a sentence that can be translated, without any change in the meaning, to a statement of the form, "People should..." (or, "People should *not*...," or, "*Some* people should [or should not]...). If we can ask, "Why?" and answer with a value statement, and then ask "Why?" again, and so on, until we come to a value statement that we simply accept without requiring a reason, then we have reduced the value statement to a value principle we hold, and we agree with the value statement. On the other hand, if we cannot reduce the value statement to a value principle we hold, then we do not agree with the value statement.

Sometimes people find themselves in a dilemma because they agree with two value statements that contradict each other. Many people are in such a dilemma over the fluoridation of drinking water. There are several reasons that people give for the value statement, "People should not drink fluoridated drinking water." Some of them have directly to do with health. For example, one reason people give is the following: It is not known exactly in what other ways fluoridated drinking water affects the body besides helping to prevent dental caries, and people should not ingest chemicals when they don't know what harmful effects the chemicals may have. That reason could be reduced (by asking "Why?" repeatedly) to a value principle such as, "People should not endanger their health."

Now, a person might easily agree both with this value principle, "People should not endanger their health," and with another value principle that supports fluoridation of drinking water. That person has an internal value conflict--that is, a conflict within himself, between his own value principles--over the question of fluoridation of drinking water. If that person wants to make a decision about this issue--for example, if he wants to vote on fluoridation of the local water supply--then he must decide which of the conflicting value principles is the more important one, and vote that way. If he cannot decide, he will have to flip a coin or not vote on the fluoridation issue.

There is another kind of sentence which sometimes has a value statement hidden in it and sometimes does not, and which is sometimes called a "value statement." This is a sentence of the form, "Object X meets my criteria for a good (or true or beautiful or efficient or otherwise approved) Y." An example might be, "Fluoridation of drinking water is a good public health measure." Another example might be, "The Mona Lisa is a beautiful painting." The first example has a value statement hidden in it; the second one doesn't. How is this possible?

Let's go back to the general formula. Each of these examples expresses an evaluation of something (a material object, a process, an event, a relationship, a class of objects, etc.) in relation to some set of criteria. The criteria might be value statements, even though they are not stated in the sentence. For example, the criteria for "a good public health measure" are likely to be reducible to value statements such as, "Government agencies should protect citizens against disease." On the other hand, the criteria for a beautiful painting are not likely to be value statements; they are likely to be a list of observable qualities of the painting, not a list of things that people should do.

But, whether or not there are value statements hidden in the criteria, it is always possible to determine whether this kind of a sentence is true or false, if we can find out what the criteria are. If a person says, "Fluoridation of drinking water is a good public health measure," and tells us what his criteria for a good public health measure are, then we can go get the facts about fluoridation and see for ourselves whether it measures up. If a person says, "The Mona Lisa is a beautiful painting," and tells us what his criteria for a beautiful painting are, then we can go look at the Mona Lisa (ideally) and determine whether it measures up.

Below you will find a list of twenty sentences. Your assignment is to examine each sentence to determine whether it is a value statement. If you think it is, translate it into a statement of the form, "People should...." When you have written your translations on a separate sheet of paper, circle or otherwise mark those you personally agree with. When you have done this, select one of the translated value statements with which you agree and begin writing your answers to the question, "Why?" Remember that each answer should have a value statement in it. (See the example of fluoridation, above, where the value statements in the answers are underlined.) Continue asking, "Why?" and writing down your answers until you arrive at an answer that you simply agree with, without requiring any reasons--that is, until you can no longer answer the question. At this point, you will have arrived at one of your own value principles.

If you find that you have trouble reducing your statement to a value principle, select another value statement you agree with and reduce that one.

TWENTY SENTENCES:

1. Every time they build a dam, they drown a valley.

2. Jones is a rotten President.

3. Don't buy sealskin coats!

4. More effort should be devoted to preventing disease than to prolonging the lives of terminally ill patients.

5. As President, Jones commands no respect.

6. Alcoholism is our biggest drug problem.

7. Public education is a waste of public money.

8. I'm getting the best education that money can buy.

9. Save the forests!

10. Cancer research deserves more federal money than space exploration.

11. You can't get anywhere without money.

12. I'm afraid of elephants.

13. Air pollution must be stopped!

14. What a beautiful sunset!

15. Terminally ill patients have a right to end their own lives.

16. If people weren't so crowded, they'd get along better.

17. They cut down a hundred trees to make room for that building.

18. It is a doctor's duty to keep his patients alive.

19. People are funny.

20. This list should have more health-related statements in it.

Note: The above list of sentences is intended for analysis only. Inclusion of a sentence in the list does not indicate any endorsement of the sentence or of the value principles or evaluative criteria it implies by the Biomedical Interdisciplinary Curriculum Project, the California Committee on Regional Medical Programs, the National Science Foundation or any committee or agency of the Congress of the United States.

HOW IMPORTANT IS A VALUE STATEMENT?

The Value Statement Analysis Instrument (VSAI), which you should read through when you get a copy, is designed to help you do two things with any value statement you agree with: (1) to determine which of your value principles underlies the value statement, and (2) to determine approximately how important the value statement is to you.

You have already seen that you can reduce a value statement to a value principle by repeatedly asking, "Why?" until you can no longer answer the question. The first part of the VSAI asks you to carry out that procedure and to record the results.

The second part of the VSAI consists of five questions. Each of these questions is a criterion that you can use for judging whether a value statement is important to you. These are not criteria for a "good" or "true" or "right" value statement; rather, they are criteria for an important, or strongly held, value statement. You can apply these criteria not only to a value statement, but also to a value principle, which as you know is simply a value statement that you agree with, without requiring any reasons.

The remainder of this reading answers three questions about this set of criteria for an important (or strongly held) value statement: Why are the criteria useful? What criteria are suggested? and, How can the importance of two value statements be compared?

WHY ARE THE CRITERIA USEFUL?

What difference does it make whether a value statement that we make is important to us or not? There are at least two situations in which it might be useful to know.

First, a person may wish to avoid making value statements that he or she does not really agree with, or does not agree with very strongly. In that situation, a person could use a set of criteria such as those given in the VSAI to determine just how important a value statement is before deciding whether to make the statement. For example, suppose that there is about to be an election, and one of the items on the ballot asks whether the community's water supply should be fluoridated. Suppose, furthermore, that a voter believes he or she should not vote at all on any question that is not important to him. That voter might reduce a "yes" vote on the ballot question to a simple value statement: "Drinking water should be fluoridated." The voter might go on to test this value statement against some criteria for an important, or strongly held, value statement. Then, if the statement appeared to be very important, the voter would be able to determine that he or she should vote on that question.

Another kind of situation in which such criteria might be useful is the situation in which a person has an internal value conflict. It is often difficult for a person to make a decision because, no matter which way the decision goes, it will violate one of the person's value principles; it is necessary to decide which value principle to violate. In that situation, it is useful to be able to figure out which of the value principles that might be violated is least important. Sometimes it is not hard to decide because it is obvious that one value principle is much more important than the other. For example, suppose that a person driving down a narrow, winding road comes around a corner and discovers that there are two obstacles in the path of the car: a person and a dog. It is too late to stop the car; the driver will have to either swerve one way and risk running over the dog, or swerve the other way and risk running over the person. The driver might believe that one should not kill animals, but if he believes much more strongly that one should not kill people then he will have no trouble deciding to run over the dog.

Other internal value conflicts are much harder to solve, because the two (or more) value principles involved are about equal in importance. For example, consider the case of a person who is terminally ill and wants to die rather than to be kept alive at great expense when he can no longer enjoy life or accomplish anything and has no hope of getting well. This person has already resolved any value conflict he may have had. But consider a relative of this person, who must decide whether to let the ill person die or to take him to a hospital for treatment which cannot cure the disease, but which might prolong his life. Suppose this relative believes strongly that it is wrong to let a person die when it is possible to keep that person alive, and also believes strongly that every person has a right to die if he wants to die. This is a real quandary for many people, and it is a terrible one for a person who holds these two value principles equally strongly.

Not all value conflicts are this dramatic. But there are many which are difficult to resolve because the value principles involved are about equally important. In this kind of situation, it might be useful to have some criteria for deciding how important a value statement is. The person who had to make the decision could use the criteria to help him decide which of his value principles he should violate.

WHAT CRITERIA ARE SUGGESTED?

1. Freedom from Pressure: People sometimes make value statements which do not reflect their own value principles, but which do reflect the requirements of others. For example, a person might make a value statement (or act on it) because he has been threatened with some sort of harm, and because the value principles involved are unimportant enough that he would rather go along with a value statement he disagrees with than be punished for sticking to the one he does agree with.

Pressure is often more subtle than that. For example, a person who is a member of a group might go along with statements (or actions) of the group which violate his own value principles, even though he has not been threatened, because the value principles involved are so unimportant that he would rather violate the principle he agrees with than risk being ridiculed or thrown out of the group.

The fact that there *is* pressure does not *necessarily* mean that the person who feels the pressure is violating his value principles. It may be that the person agrees with whoever is applying the pressure, and would have gone along even if there had been no pressure. But if the person is willing to make a value statement (or act on it) when there is no pressure, then that is one indication that the value statement is important to him, or strongly held.

It sometimes happens that several people go along with a value statement *as if* they had been pressured into it; they all appear to agree automatically, and they do not appear to have given much thought to the value principles involved. For example, a cheering section at a football game might join unanimously in urging one team to perform all manner of violent actions upon the other team. Do all those people really believe so strongly that the other team is deserving of injury and death? Or have they all been pressured into acting that way? Or is there another alternative?

There is another alternative, which is that all those people have been taught to act that way. Many of our values and behaviors are the result of years of enculturation. A person who has grown up in a culture with certain values finds it very difficult to reject or even to question those values; in fact, he may not even be aware of many of them. But being enculturated to go along with a particular value statement is not the same as being pressured into it. When a person is being pressured, he still has a choice. When he has been enculturated, he usually does not have a choice; he feels that the value principles he has grown up with are the right ones, and is not able (or even tempted) to abandon them and embrace new ones in their place.

2. Considering Alternative Statements: Sometimes a person makes a value statement only after considering several alternative value statements on the same subject; at other times, a person makes a value statement without considering alternative statements. If a person has not considered alternative statements, then it is possible that he would change his mind if he were exposed to some alternatives. For example, consider a person who has just heard about fluoridation of drinking water for the first time, and goes along with the value statement, "People should drink fluoridated water," because fluoridation protects health and he believes people should protect their health. This person might change his mind if he later heard some alternative value statements, such as, "People should not drink fluoridated water because drinking fluoridated water has unpredictable effects, and people should not put chemicals in their bodies if the effects are unpredictable." If this person strongly agrees that people should not put such chemicals in their bodies, then he might want to change his value statement about fluoridation of drinking water.

In general, the more alternative value statements on a subject a person has considered, the more likely he is to know which one best reflects his own value principles. Of course, a person who hasn't considered any alternatives might not change his mind even if he were exposed to alternatives; the fact that one has not considered alternatives does not necessarily mean that the value statement one makes is not important, or strongly held. But if a person has considered alternatives, then that is one more indication that the value statement he goes along with is important to him.

3. Considering Consequences: This criterion is a new way of stating an old test of a value statement: "What if everyone did that?" Sometimes the person who made the original value statement answers, "I didn't say everyone should do it, I just said I want to do it." This is another way of saying, "I'm not making a value statement." A value statement is a sentence in the form, "People (or some people) should (or should not)...." It applies either to everyone (as in the statement, "People should drink fluoridated water.") or to everyone in a given class of people (as in the statement, "People with mottled teeth should not drink fluoridated water."). When a person states that he wants or intends to do something, he may be implying that he is being forced to do it, or that he expects to get some pleasure or reward for doing it, or that he doesn't know what else to do. He may not mean that he thinks anybody else should do it, or even that he really should do it himself.

Considering what the consequences would be if everyone (or everyone in a given class of people) acted on a value statement, is a way of determining whether one really agrees with the value statement because it reflects one's value principles, or goes along with it for some other reason. If one decides that the imagined consequences would be in agreement with one's own value principles, then one agrees with the original value statement; if the consequences would violate one's value principles, then one does not agree with the value statement.

Again, the fact that one has not considered the consequences if everyone acted on the statement does not necessarily mean that the value statement is not important; it may be that the value statement would pass the test, and one would agree with it. But if one has considered the consequences, and still agrees with the statement, then that is one more indication that the value statement is important.

4. Publicly Affirming the Statement: The relationship between one's value principles and what one says in public is complicated. A person might make a value statement in public even though it does not agree with his value principles, for any of several reasons: he may be forced to make it, or he may expect to gain something by making it, or he may expect that by making it he can serve another value principle that he thinks is more important. (For example, a person might have determined that he must make this value statement in order to please others, who promise to repay him by supporting

another value statement which the person believes is more important. This kind of trade is called logrolling when it occurs in politics.)

On the other hand, a person may avoid publicly affirming a value statement even though he believes in it. It has often happened, and still happens, that people feel they must keep quiet about their beliefs in order to protect their jobs, their standing with friends, their liberty or even their lives.

In short, a person may make public statements that disagree with his value principles for any of several reasons: to gain something desirable, to avoid something undesirable, or to serve another value principle which the person feels is more important.

There are also situations in which people say things because they believe them, or avoid saying things because they don't believe them. If a person is willing to affirm a value statement in public even though he will not gain anything (or avoid any harm) by making it, it is another indication that the value statement is important. If a person would not make the statement publicly, it does not necessarily mean the statement is not important; it may mean that the person feels he must keep silent to serve a more important value principle, or it may simply mean that the person is shy. Some people are like that.

5. Taking Action: Everything that was said about publicly affirming a value statement could also be said about taking action on the value statement. Of course, in the analysis of a given value statement, the two criteria might not give the same results. A person might have publicly affirmed the statement many times, but might never have come across a situation in which it was necessary to act on it. (E.g., "Better dead than Red," or, "Better Red than dead.") Conversely, a person may have acted repeatedly perhaps in secret on a value statement, but might never affirm the statement publicly for any of the reasons discussed above.

In general, if a person has acted on a value statement even though he had nothing to gain by the action, it is one more indication that the value statement is important. If he has not acted on it, it is not necessarily unimportant; but if he has, it is pretty likely to be important.

HOW CAN THE IMPORTANCE OF TWO VALUE STATEMENTS BE COMPARED?

Perhaps the only real test of the relative importance of two value statements is to observe one's own behavior when the value statements are in conflict. If a person consistently chooses to go along with one and violate the other, then the one he goes along with is probably more important to him than the one he violates. But in the absence of such a test, it is possible to approximate or estimate the relative importance of value statements by assigning them numerical scores based on criteria such as the five discussed above. The VSAI provides a method of assigning a numerical score for "importance" to any value statement you agree with.

This method has some important limitations. One is that, under the system used in the VSAI, all five criteria are equally important; for each criterion the possible scores are 4, 2 and zero. A person who does not believe these criteria are equally important would have to change the numbers to reflect his belief. For example, if a person believed that "taking action" is twice as important as any of the other criteria, he might change the numbers to allow a maximum score of 8 for that criterion.

The other limitation is that, whereas a score of 20 (the highest score) on the VSAI represents five indications that the value statement is probably important, a low score or even a middle-range score does not necessarily mean anything. As explained above, a person might assign a low score to a value statement on any or all of these criteria, even though he strongly agrees with the value statement and it fully reflects his value principles. A high score, therefore, means something; a low score doesn't necessarily mean anything.

ANOTHER ALLOCATION POSSIBILITY

All is not well at Heart Research Hospital. The dilemma of deciding which applicant should be given the new artificial heart has caused some disagreements among the staff. "Why should anyone have this operation?" one staff member argued. "Why are we even discussing it? After all, it costs $100,000, and it takes valuable time for surgery and valuable space for recuperation." Others agreed, and an unofficial group, headed by a prominent and well-liked surgeon, has presented a proposal to the Board of

Directors. The proposal requests that a preventive program be established at Heart Research Hospital, using the $100,000 that would be needed for the operation to implant an artificial heart. Here's how it would work.

For $100,000--an amount that would prolong one life with an artificial heart--an alternative program might prolong as many as ten lives. First, staff members would select a group of one thousand middle-aged persons. Each of these would be examined and a "coronary profile" constructed. The cost (at $15 per person) would be $15,000. The result would be the identification of about 280 high-risk patients. (This estimate is based on past research and experience.)

What about the remaining $85,000? If this amount were spent on the 280 persons identified as being high-risk, there would be about $300 per person. If these 280 persons were enrolled in a preventive program for ten years, seven to ten lives might be prolonged. How? Without the preventive program, probably 50 of the 280 would have heart attacks during the next ten years. Ten of them would die as a result of the attacks. (These estimates were not difficult to obtain; Heart Research Hospital has been studying the problem of coronary heart disease for many years.) With the program, the number of persons in the identified high-risk group who could expect to have a heart attack in the next ten years would be reduced from 50 to 12. Probably only two or three would have fatal attacks, and the figure could even be zero.

What type of program costs only $300 per patient over a ten-year period? Certainly not as complete a program as might be had for more money. But by the use of educational programs, careful diet planning, regulated exercise and an intensive first-year program, much could be done. The fact that these persons were enrolled in a program and knew that a physician was monitoring their progress would provide encouragement. After the first year, regular reports and group meetings would suffice to monitor the participants' progress. This, along with a regular physical examination, would be a low-cost continuation of the program.

If seven to ten lives could be prolonged, the proposal states, isn't this preferable to the prolonging of one life for the same cost? The proposal also stresses the point that the participants would all be middle-aged, with many productive years ahead of them. Further, the ten-year program would allow the hospital to conduct much useful research.

What do you think? Should this proposal be accepted? Should the seven applicants be told that they would not be able to receive an artificial heart, that their lives would not be prolonged? How would you tell this to the person you had selected as your first choice for the artificial heart? Or should the possibility of prolonging seven to ten lives of persons not yet identified be rejected for the single life of a person needing the artificial heart right away?

A THIRD PROPOSAL

Before the Board of Directors had a chance to decide upon the alternative of a preventive program, another proposal was received. This time it was from a group outside the hospital--a local senior citizens' organization. This group had heard rumors that Heart Research Hospital was planning to perform a $100,000 operation--the implantation of an artificial heart in a human body. The group's proposal emphasizes these facts: (1) there is a large community of senior citizens in the city served by the hospital; (2) persons over sixty-five are particularly worried about influenza since the disease weakens the resistance of older persons and often leads to death from other causes, especially pneumonia; and (3) there are predictions of a severe influenza epidemic during the coming winter.

The senior citizens' organization proposes that Heart Research Hospital provide influenza immunizations for persons over sixty-five living in the area. Approximately 50,000 senior citizens in the area could be immunized (at a cost of $2 per person). What would this mean? Without flu shots, at least 100 of the 50,000 will probably die. (At least this is the average, based upon consequences of previous epidemics.) But with flu shots, there would probably be no more than 20 deaths that were associated with the effects of influenza. In other words, possibly 80 lives could be prolonged.

"Why," asked the representative of the senior citizens' group, "would the Board of Directors of Heart Research Hospital hesitate to spend $100,000 in the community they serve, when there is a possibility of saving so many lives?"

If you were a member of the Board, what would you say? How would you vote? What reasons would you give to the senior citizens' group if you decided they should not receive the flu shots? What would you tell the hospital staff members if you decided that they could not have a preventive program over the next ten years? Would your reasons be good ones? How do you know?

WHO IS RESPONSIBLE?

For the last few days you have discussed a situation in which a group of people had to make a decision. The group was the governing board of a hospital, and the decision was how to allocate certain resources that belonged to the hospital.

The making of decisions about allocating resources is part of the subject matter of economics. Later in this course you will have further opportunities to study the allocation of health care resources in American society. In the next several lessons, however, the focus will be on the general question, "Who is responsible for the making of decisions that affect our lives?"

The word "responsible" is not a technical term in social science, but it is closely related to two other words which are technical terms, particularly in the study of government. One of those words is "obligated" and the other one is "accountable." In lessons 12-17 you will be using these words (and a few others) as tools for analyzing the American system of government and some current political problems in that system. In those lessons you will need to think carefully about just what it means to be "obligated" and how one becomes "obligated," and about what it means to be "accountable" and how one becomes "accountable."

However, for the next few lessons, you will not need to think too much about the technical meanings of these terms. All you will need to know about them is that a person who is obligated to perform an act is "supposed to" perform that act; and a person who is accountable for the performance of an act is "to blame" if the act is performed poorly or not performed at all.

Throughout the lessons in which you will be discussing obligation and accountability, the words "responsible" and "responsibility" will be used as shorthand terms indicating situations in which there are obligation and accountability, just as the non-technical term "electricity" is used in science as a shorthand term for situations in which there are current, potential and resistance.

In lessons 8-11, you will not be studying the nature of obligation and accountability, or ways in which people become obligated or accountable. Rather, you will be studying the ways in which obligation and accountability can be allocated, or divided up, among the members of a group.

For the purposes of lessons 8-11, remember:

obligated to perform an act = supposed to perform the act

accountable for the performance of an act = to blame if the act is performed poorly or not at all

GROUP COORDINATOR'S INSTRUCTIONS

You will be the coordinator for a small group of students who will be playing six versions of a dice game. Other groups will be playing the same game at the same time, and the group with the highest average score after all six versions will be the winner.

You will have two tasks as coordinator: to keep score for the players in your group, and to interpret and enforce the rules. These instructions are in three parts: first, the basic rules of the game; second, specific rules for each of the six versions; third, a checklist and flowchart to help you figure out what to do and when to do it.

BASIC RULES OF THE GAME:

The following rules apply to all six versions of the game.

1. A turn is defined as at least one roll and no more than ten rolls of a pair of dice by an individual player.

2. Each player gets one and only one turn in each version. A player must complete his turn before another player can begin his turn.

3. After each roll of the dice, you will write down the amount shown on the dice, calculate the player's total score for the turn so far, announce the total and record it on the player's Individual Score Sheet.

4. When a player has completed his turn, you will transfer the player's total score to the Group Score Sheet.

5. If a player rolls a "1" and any other number on a given roll of the dice, then (1) the player's total becomes zero, but (2) the player may continue to roll until his turn is completed.

6. If a player rolls two "1's" on a given roll of the dice, then (1) the player's total becomes zero and (2) the player may not roll again, even if he has not yet rolled ten times.

7. A player's turn may be stopped at any time after the first roll. The decision whether to stop or to continue rolling is made in different ways in the different versions.

8. When a version is completed, you will add the individual players' scores to obtain a group total for that version, then divide the group total by the number of players in the group to obtain a group average score for that version.

SPECIFIC RULES FOR THE SIX VERSIONS:

Version I (INDIVIDUAL): Each player decides for himself, after each roll of the dice, whether to stop rolling or to roll again. At any time after the first roll, the player may decide to keep the total he has or to roll again and try for a higher score.

Version II (COORDINATOR): You act as decision-maker for all players. After each roll, announce the player's total and then instruct the player to stop or to roll again. All players must follow your instructions. Your decisions are final; there is no appeal. Remember that you are working with your group, attempting to get the highest group score.

Version III (GROUP--UNANIMOUS): After each roll, the decision whether the player is to stop or to roll again is made by a unanimous vote of the players in the group. The player rolling the dice votes; you do not vote. Hold the dice until the vote is completed. EACH DECISION MUST BE AGREED TO BY EVERY PLAYER IN THE GROUP. If time expires before all players have completed their turns, then the group average score for Version III is the total of the individual scores of all players who have completed their turns, divided by the whole number of players in the group. The total of a player whose turn is deadlocked when time expires must not be included in the group score.

Version IV (AGENT): Each player must choose another player to act as his agent. The agent makes all the player's decisions for him. Once the player has selected an agent, he must abide by the agent's decisions. He may not choose another agent, and he may not make his own decisions. One member of the group may act as agent for more than one player, and it is not required that every member serve as an agent. No player may act as his own agent. After each roll, you announce the player's total, and the player's agent then instructs the player whether to stop or to roll again.

Version V (EXPERT): After each roll, the decision whether the player is to stop or roll again is made by an "expert." You have two functions: to keep score as in the other versions, and to interpret the "Expert Advice." Thus, after each roll, you should (1) write on the player's Individual Score Sheet the amount shown on the dice, (2) calculate and announce the player's total, (3) decide (by looking at the "Expert Advice") whether the player is to stop or roll again and (4) tell the player to stop or to roll again.

Version VI (GROUP--MAJORITY): After each roll, the decision whether the player is to stop or to continue rolling is made by a majority vote of the players in the group. The player rolling the dice votes; you do not vote. After each roll of the dice, announce the player's total, hold the dice and call for a vote. (A show of hands is the easiest way to vote.) Count the votes and announce the outcome. HOLD THE DICE UNTIL THE VOTE HAS BEEN COMPLETED.

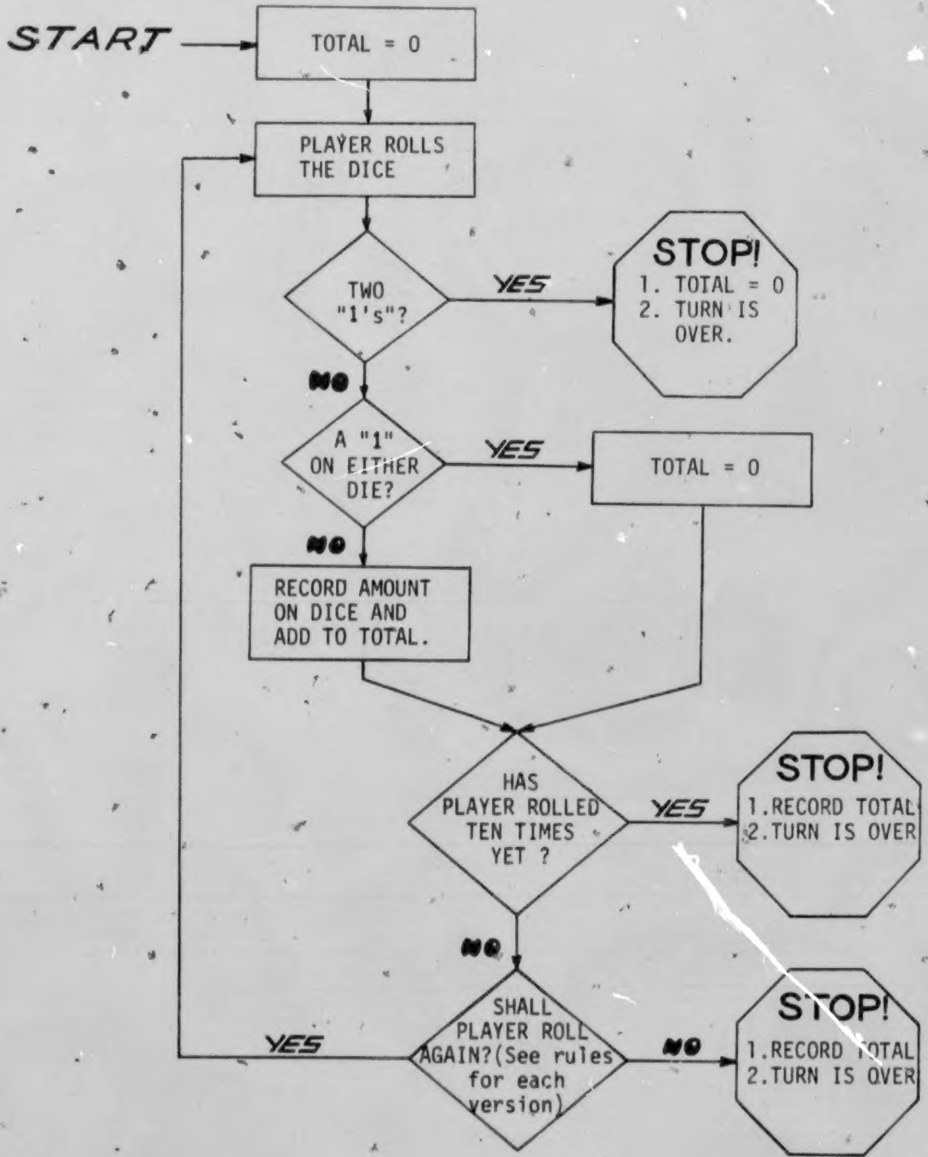
Players may discuss their votes before the vote is considered final. If there is a deadlock (which is possible if your group has an even number of players), play must not be continued until the deadlock is broken. If time expires before all players have completed their turns, scoring is the same as in Version III (GROUP--UNANIMOUS).

COORDINATOR'S CHECK LIST AND FLOWCHART:

1. Before play starts, obtain from your instructor one Individual Score Sheet for each player in your group, and one Group Score Sheet. Write the names of the players on the Group Score Sheet, and write the name of each player on a separate Individual Score Sheet.

2. Inform the players that you will hold the score sheets and record all players' scores, and that you will pick up the dice after each roll, thus stopping play until you have recorded and announced the results of the roll.

3. During each player's turn, keep score as shown in the flowchart below.



START
TOTAL = 0
PLAYER ROLLS THE DICE
TWO "1's"?
YES
STOP! 1. TOTAL = 0 2. TURN IS OVER.
NO
A "1" ON EITHER DIE?
YES
TOTAL = 0
NO
RECORD AMOUNT ON DICE AND ADD TO TOTAL.
HAS PLAYER ROLLED TEN TIMES YET ?
YES
STOP! 1.RECORD TOTAL 2.TURN IS OVER
NO
SHALL PLAYER ROLL AGAIN?(See rules for each version)
YES
NO
STOP! 1.RECORD TOTAL 2.TURN IS OVER

4. At the end of each version, calculate the group total score, and divide by the number of players in the group to obtain the group average score. Report the group average score to your instructor.

Note: In some versions your instructor may impose a time limit, and it may be impossible for all players in your group to complete their turns before time expires. Nevertheless, when you are calculating the group's average score, you must divide the group's total score by the whole number of players in your group, even if not all of them completed their turns.

QUESTIONS ON THE SIMULATIONS

Below are brief descriptions of the allocations of responsibility for decision-making simulated in the six versions of the dice game. Following these descriptions are several questions, all of which you can use to analyze each simulation you have participated in.

Version I (INDIVIDUAL): The player makes his own decision after each roll of the dice.

Version II (COORDINATOR): The group coordinator makes all decisions for the group.

Version III (GROUP--UNANIMOUS): Every decision is made by unanimous consent of the whole group.

Version IV (AGENT): The player delegates his decisions to another person--his agent, or representative.

Version V (EXPERT): An outside "expert" makes all decisions for the group.

Version VI (GROUP--MAJORITY): Every decision is made by a majority vote of the whole group.

The questions below apply to each simulation separately. (In answering the questions with reference to Version V [EXPERT], imagine that there was a real expert standing by and telling the members of your group what to do.)

Note: Read "Analyzing Allocations of Responsibility" before answering Question 4 or Question 5.

1. Is the allocation of responsibility in this version similar to that in any groups that you are a member of in real life? Describe them. Think about groups of all sizes and kinds: Families, work groups, play groups, religious groups, political groups, etc.

2. Is the allocation of responsibility in this version similar to that in any groups within the culture or cultures you studied in Unit II? Describe them. (Again, think about groups of all kinds and sizes, and especially think about groups that do not have counterparts in your own culture--clans, tribes, etc.)

3. Is the allocation of responsibility in this version similar to that in any health care delivery situations that you have either participated in or learned about? Describe them.

4. In this version, who was obligated to decide whether the player rolling the dice should stop or roll again?

5. In this version, who was accountable for the outcome of the decision?

ANALYZING ALLOCATIONS OF RESPONSIBILITY

The dice game you have played in class consists of six simulations of ways in which responsibility (obligation and accountability) can be allocated, or divided up, in a group. Before you analyze these allocations, you should have a clear idea of the ways in which the simulations are similar and the ways in which they are different, and a clear idea of what is being simulated and what is not.

The six versions of the game are identical in some ways. In every version, you were a member of a group, and all the members of your group had a common objective: to obtain the highest possible group score in that version. The group's average score was the sum of the individual members' scores, divided by the number of members in the group. Individual scores were determined by rolling dice. Whenever an individual was taking a turn, each roll of the dice after the first one was a gamble.

The six versions of the game differed in what was to be done about the gamble. In each version, the rules specified a particular way of deciding after each roll whether a player should stop or roll again. But no matter which way the decision was made, it affected the group score. In other words, each version had a rule which specified a particular allocation of responsibility within your group for the making of a decision whose outcome affected the whole group. In each version, the rules placed on some person or persons the obligation to make decisions whose outcome affected the whole group, and the rules made some person or persons accountable to the group for the outcome of those decisions.

Social life is full of allocations of responsibility, and the six versions of the dice game simulate six ways in which responsibility can be allocated. But there are a couple of important features of real-life allocations of responsibility which are not simulated in the game. One is the way in which people become responsible: In the game, people become responsible because the rules of the game said they were responsible; in real life, people frequently have the option of choosing whether they will be responsible or not.

Another difference is the nature of the action for which people are responsible: In the game, people were responsible for making a decision which could be based either on a hunch or (in Version V [EXPERT]) on the laws of probability, but which could not be based on such things as knowledge, experience, training or insight into human nature. In real life, people who are responsible to make decisions frequently have more than a hunch (or the laws of probability) to go on. In addition, people in real life are responsible for performing many kinds of actions other than decision-making.

A FABLE

The students of George Washington High School had a crisis on their hands. A lot of them thought the Student Body President had too much power. Most of the unhappy students were members of various campus organizations. They had joined clubs in order to spend time with others who shared their interests and to raise money for equipment, entertainment and the like. Some of the clubs met occasionally with groups of students from other schools who had similar interests.

The trouble was that the Student Body President was running all these groups. Each group was allowed to elect its own council of officers, but the President could overrule the councils. The President could also dissolve the councils, and the groups couldn't elect new ones without Presidential permission. Furthermore, the Student Body President appointed each group's chairperson from outside the group.

There was a Student Council for the whole school, but it, too, could be overruled by the President, and the groups were not allowed to send representatives to the Student Council. They were allowed to send requests and complaints to the President, but the President ignored most of them. Each group had to pay dues to support the activities of the Student Council and the Student Body President, but the groups had nothing to say about the way the money was spent.

There were other complaints. A group was not allowed to settle its own internal disputes. When a member was accused of violating the group's rules, a person appointed by the President decided whether the rules had been violated and, if so, what should be done about it. And all arrangements with groups in other schools were handled by the President. Finally, the President was in office for a whole school year, could not be removed from office, and was allowed to appoint the next President.

One rainy day in October, people from several of the voluntary groups got together and started talking about their problems. Of course the groups were different in many ways. A few were large, but most were small. A few raised a lot of money, but most couldn't afford a gavel. Some spent a lot of time in meetings and competitions with groups from other schools, but some didn't.

But the groups had some things in common, too. None of them had much use for the Student Body President or the Student Council. All of them resented the way the Student Body President was running their groups. All the groups felt that student government, if there was going to be any, should be helping them pursue their own interests.

Somebody suggested that the various groups--there were 13 of them--should get together and form their own government.

Everybody looked surprised.

Then everybody looked thoughtful.

Then everybody looked interested.

In a few days, there was a plan. This year, all the groups would refuse to pay dues to the regular student government. Each group's elected council would meet--off campus, on a weekend--and select delegates to send to a new Inter-Group Council (IGC). Each group would have one vote in the IGC, and nine votes would be required to take action. The IGC would collect only voluntary dues from the groups, and would do whatever it could to promote the interests of all the groups. The plan would go into effect when all 13 groups' councils had approved of it, and the plan could be changed only if all 13 councils approved of the change.

The next Saturday, the 13 councils met, approved the plan and selected delegates to the IGC. On Sunday the IGC met and declared itself independent of the student government. The Inter-Group Council was in business. It sent the Student Body President a letter listing the groups' complaints and announcing the independence of the IGC.

There followed a period of turmoil. The Student Body President tried to abolish the 13 groups, but discovered that that was the one thing she didn't have the power to do. She appealed to the school administration to command payment of dues, abolish the IGC and expel a few people, but the decisions went against the Student Body President. The IGC and the 13 groups survived. Members of the groups were denied the benefits of the regular student government's help, but since none of the groups felt that the help they had received in the past was worth anything, nobody was much bothered by the ruling.

But in less than a month, there was a new crisis. The groups discovered that they were more separate than together. The IGC didn't have enough money. The poor groups couldn't contribute, and the rich ones wouldn't--they didn't want the money they had raised to be spent on other people's activities. The large groups were unhappy because they thought they should have more power: they were always outnumbered under the rule requiring a nine-to-four majority to get anything done. The groups that met with groups from other schools were unhappy because the IGC--being poor and not being considered "official" by most other schools--gave them even less help than the old student government had given them. And the groups that didn't meet with groups from other schools were getting bored with the IGC because it didn't seem to them that they really needed the helpless IGC any more than they had needed the dictatorial Student Body President.

All attempts to change the basic plan of the IGC failed because of the requirement that all 13 groups' councils must agree to any change. There was almost nothing that all 13 councils could agree on. It was beginning to appear that the IGC was worthless, and that there was no hope of improving it.

Some people who had worked hard to set up the IGC thought it was worth more work to save it. Most groups agreed that something had to be done. The IGC called for each group's council to send delegates to a special meeting for proposing changes in the IGC. The special meeting would send its proposals to the IGC, and the IGC would send them to the 13 councils for approval.

Once the special meeting got started, it went on for weeks. Besides the problems that had divided the IGC, there were new problems. Some delegates wanted a fairly powerful president; others, with the old Student Body President in mind, wanted a weak one, if any. Some thought the combined groups' government should be more powerful than any of the 13 groups; others thought the combined government should remain weak and the groups should remain strong.

There were also points of agreement. Almost everyone agreed very quickly that there should be a student court to settle arguments between groups and to handle violations of the rules made by the combined groups' government. Eventually, almost everyone agreed that what the groups really needed to do was not to improve the IGC, but to throw it out and start over again with a new form of government. The problem was, what form? And how could it be made official, when all the special meeting was supposed to do was suggest improvements in the IGC?

There were weeks of haggling. Eventually compromises took shape, and finally the special meeting produced a document called the Constitution of the Student Union. The Constitution was sent to the IGC, and the special meeting adjourned.

THE CONSTITUTION OF THE STUDENT UNION

Below is an outline of the Constitution written by the special meeting described in the reading, "A Fable." Following the outline is a brief description of the contents of the Constitution.

OUTLINE:

The Preamble states the purposes of the Constitution.

Article I describes the Legislature, which makes rules.

Article II describes the Executive, which enforces the rules and handles day-to-day business.

Article III describes the Judiciary, which settles disputes.

Article IV describes relationships among the groups.

Article V describes ways of changing the Constitution.

Article VI describes the relationship between the Student Union and the particular groups within it.

Article VII describes the way in which the Constitution is to be established as an agreement among the groups that approve of it.

CONTENTS:

Preamble: The Preamble of the original plan of the IGC had listed the names of the 13 groups. Since the special meeting did not know whether all 13 groups would approve this Constitution, this Preamble starts instead with the words, "We the students of the Student Union, in order to...," then lists the purposes, then concludes, "...do ordain and establish this Constitution for the Student Union of George Washington High School."

The stated purposes of the Student Union are to help the various groups get along with one another, to ensure fair play for their members, to ensure peace in the groups, to protect the interests of the groups, to help the groups and their members achieve their goals and to guarantee self-government to the present and future members of the groups.

Article I: The Legislature of the Student Union has two houses. The Lower House includes at least one Representative from each group, and more for the larger groups (ten for the largest group, fewer for the others). The numbers can be changed each year as the sizes of the groups change. Representatives are elected by the members of each group, once a month. Dues collected by the Student Union are also collected in proportion to the sizes of the groups, the larger groups paying more and the smaller groups paying less. All rules about raising money must start in the Lower House.

The Upper House includes two senators from each group. Each group's two senators are chosen by the group's own elected council. All senators have three-month terms, and one third of the senators are replaced (or reappointed) every month. The Vice President is the chairperson of the Upper House, but may not vote except to break a tie.

The Lower House can impeach officers of the Student Union, which means it can recommend that an officer be fired for violating the Constitution or the rules of the Student Union. The Upper House tries all impeachments, which means that it decides whether the impeachment charges are correct and, if they are, fires the officer. When the President has been impeached, the Chief Judge serves as the chairperson of the Upper House during the trial. A two-thirds majority of the Upper House is necessary to fire any officer.

The Legislature meets at least once every two weeks. Each house settles all disputes over who should be the delegate from any group to that house. Each house also makes its own rules of procedure, and each house can expel any of its own members by a two-thirds vote.

To become a rule of the Student Union, any proposal must pass both houses by a simple majority and be approved by the President. If the President does not approve, the proposal becomes a rule anyway if it passes both houses again by a two-thirds majority. The Legislature can collect dues, borrow money, pay debts, regulate dealings among groups, regulate dealings between groups and outside parties, set penalties for violations of the rules of the Student Union, and make all rules necessary for officers to carry out the jobs given to them in this Constitution.

The Legislature cannot treat one group better than another. No group can independently make any agreement with another group or with an outside party; all arrangements of this kind must be made through the Student Union.

Article II: The Executive of the Student Union is one person, the President, elected every two months in this way: Each group appoints electors, in whatever way the group's elected council decides to appoint them. Each group has as many electors as it has representatives and senators in the Legislature. Each elector votes for two persons, at least one of them not a member of the group. The ballots are counted by the chairperson of the Upper House, in the presence of the whole Legislature. Then, (1) if one person has more votes than anybody else, and has the votes of a majority of electors, that person is elected President; (2) if two persons have the votes of a majority of electors, the Lower House elects one to be President; and (3) if nobody has the votes of a majority of electors, the Lower House elects one of the top five vote-getters to be President. In case (2) or (3), each group's delegation to the Lower House casts one vote, and a majority of those votes is required to elect the President.

After the President is elected, the person remaining with the highest number of votes from the electors is automatically elected Vice President. If there is a tie, the Upper House chooses the Vice President. If the President is removed from office or unable to serve, the Vice President takes over the duties of the President.

The President makes agreements with outside parties with the approval of two thirds of the Upper House. The President appoints representatives to outside parties and appoints judges to the Student Court, but a majority of the Upper House must approve each appointment. The President is responsible to see that the rules of the Student Union are obeyed.

Article III: The Judiciary of the Student Union is the Student Court. The judges' terms do not expire after a set period of time, but the judges can be impeached and removed from office. The Student Court decides all disputes about this Constitution, or about rules or agreements made as described in this Constitution; disputes involving representatives sent to outside parties; and disputes among the groups, their members and outside parties. Any dispute within a group is to be settled within the group, but the decision may be appealed to the Student Court. All trials for violation of the rules of the Student Union are to be jury trials, except in cases of impeachment.

Article IV: Each group is to recognize as official the acts and records of all other groups. The Legislature can admit new groups, but these cannot be formed by breaking up old groups unless both the old groups and the Legislature approve. The Student Union guarantees to every group a government by a council of elected representatives. The Student Union will intervene in a quarrel within a group if the group's elected council asks for help.

Article V: The Legislature can propose changes in this Constitution by a two-thirds vote in both houses. If the councils of two thirds of the groups ask it to, the Legislature must call a convention to propose changes. Any proposed change becomes offical when it is approved by three fourths of the groups. The Legislature decides whether the groups' decisions on the proposed change should be made by the groups' regular elected councils or by a special convention within each group.

There is one thing in this Constitution that cannot be changed: No group can be deprived of equal representation in the Upper House of the Legislature without the group's consent.

Article VI: No group can make or enforce any rule that violates this Constitution, or violates any rule or agreement made by the Student Union under this Constitution. All officers of the Student Union and all officers of the particular groups must agree to support this Constitution.

Article VII: When special conventions in nine or more groups have approved of this Constitution, it is established as an agreement among those groups.

A FABLE, CONTINUED

When the Inter-Group Council received the proposed Constitution from the special meeting, it immediately sent copies to the councils of the 13 groups. All but one soon set up conventions to consider the Constitution. Five conventions approved it quickly. Four more approved it later, after considerable debate. Then there were nine, and the Constitution was, by its own terms, established as an agreement among those nine groups. The remaining four, left with only the wreckage of the IGC, finally approved the Constitution and joined the Student Union.

During the debate over adopting the Constitution, the strongest support for the agreement came from groups that had dealings with student groups in other schools and needed support; the strongest opposition came from groups that did not deal with other schools. There were many arguments against the Constitution: (1) The Student Union would eventually abolish all the groups. (2) The Legislature would not pay attention to the special needs of the various student groups. (3) There were no rules to protect individual members against the powers of the new government. (4) The Constitution was illegal, since the special meeting had been delegated only to suggest improvements in the IGC, not to replace it. (5) The opening phrase, "We the students...," was wrong, since the Constitution was (even by the terms of its own Article VII) an agreement among groups, not among individuals. (6) The new government would not have enough power. (7) The new government would have too much power.

The most strongly held opinion against the Constitution was that it should include rules protecting the rights of individual members of the groups. Some members of the special meeting that had written the Constitution wrote articles for the student newspaper defending the Constitution, and in those articles they argued against such rules. They said a list of specific rights of individuals might lead officers of the new government to think that these were the only rights individuals had, and that the new government's power over individuals was otherwise unlimited. They also said that, if the new government came under the control of officers who were willing to use their power to attack the basic rights of individuals, rules would not stop them.

But the leaders of some groups held out for rules protecting the rights of individuals, and in order to get nine groups to approve the Constitution, its defenders had to promise those leaders that they would help to get the Constitution amended--after it was established--to include such rules.

After the Constitution was established, ten amendments were added to it. The first three amendments protected specific rights of individuals against the new government. The next five amendments protected the rights of individuals who were brought to trial for violating the rules of the Student Union. The last two amendments stated that this list of rights did not mean individuals had no other rights, and that all powers not delegated to the Student Union or prohibited to individual groups, were reserved to the groups and to the students who were their members.

Over the years, other changes were made, including changes in the way dues were collected, the way Senators were elected to the Upper House, the way the President and Vice President were chosen and the kinds of disputes to be settled in the Student Court.

"A FABLE" AND THE REAL STORY

The reading "A Fable" is a small-scale, simplified version of the political history of the United States between about 1775 and 1791--the period during which 13 colonies disappeared from the British Empire and a new, independent nation appeared in their place.

"A Fable" may be thought of as a descriptive model of those years of American political history. Like most other models, it leaves out many details of the real process it imitates, but it includes many important ones. By referring to a U.S. history textbook, you should be able to identify the real persons, groups, documents and events that correspond to the following elements of the model:

1. the original Student Body President
2. the original Student Council
3. the thirteen voluntary organizations
4. the thirteen groups' list of complaints against the Student Body President
5. the thirteen groups' elected councils
6. the Inter-Group Council
7. the plan for the Inter-Group Council
8. the "period of turmoil" after the IGC declared itself independent
9. the special meeting to suggest changes in the IGC
10. the Constitution of the Student Union
11. the first ten amendments to the Constitution of the Student Union

You should also be aware that the groups which have dealings with student groups in other schools, in "A Fable," correspond to certain groups in the real story, and student groups that have no dealings with other schools correspond to other real groups. During the debates over the Constitution of the United States, strong support for the new Constitution was found among ship-owners, merchants and others involved in international trade, and among frontiersmen who faced the dangers and uncertainties of the uncolonized west. Strong opposition was found in areas populated mainly by farmers, who generally believed that everything they needed from any kind of government (roads, for example) could be supplied by local or state government.

TASKS:

1. Using a U.S. history text as needed, identify the real persons, groups, documents and events corresponding to the eleven items listed above.

2. Suggest at least one change (large or small) in the story, "A Fable," which you think would make the story a better descriptive model of the real historical period, and describe the way (or ways) in which the model would be better.

QUESTIONS ON THE CONSTITUTION OF THE UNITED STATES

The Constitution describes one way of allocating the responsibility for performing the functions of a government. It describes the ways in which individuals are selected and become obligated to perform these functions, and it describes the ways in which these individuals are held accountable for their performance.

The Constitution divides the responsibilities of government among four groups: the House of Representatives; the Senate; the Executive, consisting of the President and the officers appointed to assist the President; and the Judiciary, consisting of the Supreme Court and any inferior federal courts the Congress creates. (The House and the Senate are "one group" in the sense that they make up the legislative branch of the government, but they are two groups in the sense that they have different obligations, their members are selected in different ways, and a member of one house is accountable to, among others, the members of his or her own house.)

The authors of the Constitution believed that all responsibility for government should rest, ultimately, with the voters in the states of the Union. Therefore they designed a system in which (1) all the functions of government are performed either by the voters themselves or by people whom the voters have chosen, and (2) all those whom the voters have chosen are accountable to the voters.

Some officers of government are chosen by the voters directly, which means simply that the voters choose those officers. Other officers are chosen indirectly. An officer who is chosen not by the voters themselves, but by someone else whom the voters have chosen, is chosen by the voters indirectly. For example, the Secretary of State is chosen by the President and the Senate; he is chosen by the voters indirectly, because the voters have chosen the President and the Senate.

Similarly, some officers are held accountable by the voters directly--the voters themselves can remove the officers by not re-electing them--and others are held accountable indirectly. For example, the Secretary of State is accountable to the Congress, which can impeach him and remove him from office. He is accountable to the voters indirectly, because the Congress is accountable to the voters.

In short, every elected or appointed officer of government is chosen through a process that begins with the voters and may also include some other people; and every officer is held accountable through a process that ends with the voters and may also include some other people.

An officer of the federal government becomes obligated to perform the functions of his or her office by taking an oath prescribed in the Constitution. In other words, an officer, such as the President or a judge, undertakes the obligation to do a certain job by promising that he or she will do it, just as an ordinary person undertakes the obligation to do any ordinary thing by swearing an oath, signing a contract or making a promise.

In summary, the Constitution describes the way an officer is chosen by the voters (directly or indirectly) for an office, the way the officer becomes obligated to perform the functions of the office, and the way the officer can be held accountable by the voters (directly or indirectly).

The questions below will ask you to look at the Constitution (which is the next item in this Student Text) and to find out certain things about the ways in which the voters choose officers, the ways in which the voters hold these officers accountable, and the ways in which the voters can change the Constitution.

In answering Questions 1 and 2 below, refer only to the original Constitution; do not consider any of the amendments.

1. Describe the process by which each of the following persons is chosen for his or her office. If the voters choose the officer indirectly, name all the groups involved in this process, including the voters and the officer.

   a. a member of the House of Representatives (Article I, Section 2)

   b. a member of the Senate (Article I, Section 3)

   c. the President (assuming no candidate receives the votes of a majority of the electors) (Article II, Section 1)

   d. the Vice President (assuming a tie vote) (Article II, Section 1)

   e. a justice of the Supreme Court (including the "advice and consent" process) (Article II, Section 2)

2. Each officer named in Question 1 is subject to the process of impeachment, trial, conviction and removal from office described in the Constitution (Article I, Section 2, Clause 5, and Section 3, Clauses 6 and 7). In addition, each elected official is subject to removal from office by not getting re-elected. Finally, each member of Congress is subject to expulsion by the members of his or her own house (Article I, Section 5, Clause 2). For each officer named in Question 1, a through e, list all the individuals and groups to whom the officer is accountable. Include those to whom the officer is indirectly accountable in your list, down to and including the voters.

3. The 17th Amendment changed the process through which a person is chosen for the office of Senator. Describe the difference between the original process (Article I, Section 3) and the new process. Is a Senator now chosen by the voters more directly or more indirectly than before?

4. The 12th, 22nd and 25th Amendments changed the process through which a person is chosen for the office of President. Describe the difference between the original

process (Article II, Section 1) and the new process. Is it possible for a President to be chosen by the voters less directly now than it was before the 25th Amendment was ratified? If so, how?

5. Describe the effects of the 15th, 19th and 26th Amendments on the process by which a person is chosen to be a member of the House of Representatives (Article I, Section 2).

6. The process of amending the Constitution can change the ways in which an officer of government is chosen and is held accountable. Under the terms of the Constitution (Article V):

a. Is it necessary that the voters of the states be directly involved in the amending process? If not, how might the process proceed without the voters' direct participation?

b. Is it possible for an amendment to originate with the voters of the several states? (Suppose that a mass movement developed among the voters through privately financed media campaigns, without the participation of any officer of state or federal governments.) If you think it would be possible, describe how it might occur--beginning with the assumption that a majority of voters in each of several states (How many states would be required?) want a particular amendment.

THE CONSTITUTION OF THE UNITED STATES

Adopted September 17, 1787
Effective March 4, 1789

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

Section 1

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes[1] shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.[2] The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Deleware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

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[1] See the 16th Amendment.
[2] See the 14th Amendment.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

Section 3

1. The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof,[1] for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.[1]

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of the President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice shall preside: and no person shall be convicted without the concurence of two thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualifications to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Section 4

1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5

1. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

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[1] See the 17th Amendment.

Section 6

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

Section 7

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and the House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8

The Congress shall have the power

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post offices and post roads;

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Section 9

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.[1]

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

Section 10

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of the Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

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[1] See the 16th Amendement.

ARTICLE II

Section 1

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.[1]

3. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

4. No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

5. In case of the removal of the President from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.[2]

6. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

7. Before he enter on the execution of his office, he shall take the following oath or affirmation:--"I do solemnly swear (or affirm) that I will faithfully execute the office of the President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

Section 2

1. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise

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[1] Superseded by the 12th Amendment. See also the 22nd Amendment.
[2] Superseded by the 25th Amendment.

provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section 3

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

Section 1

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Section 2

1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more States;--between a State and citizens of another State;[1]--between citizens of different States;--between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and to fact, with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section 3

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attained.

ARTICLE IV

Section 1

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

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[1] See the 11th Amendment.

Section 2

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.[1]

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.[2]

Section 3

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Section 4

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which in either case, shall be valid to all intents and purposes, as part of this Constitution when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.[3]

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names. [Names omitted]

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[1] See the 14th Amendment, Sec. 1.
[2] See the 13th Amendment.
[3] See the 14th Amendment, Sec. 4.

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States pursuant to the fifth article of the original Constitution.

AMENDMENTS

First Ten Amendments passed by Congress Sept. 25, 1789.
Ratified by three-fourths of the States December 15, 1791.

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI

Passed by Congress March 5, 1794. Ratified January 8, 1798.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII

Passed by Congress December 12, 1803. Ratified September 25, 1804.

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots, the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;--The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;--The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII

Passed by Congress February 1, 1865. Ratified December 18, 1865.

Section 1

Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2

Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV

Passed by Congress June 16, 1866. Ratified July 23, 1868.

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3

No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military under the United States, or under any State, who having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each House, remove such disability.

Section 4

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Section 5

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV

Passed by Congress February 27, 1869. Ratified March 30, 1870.

Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI

Passed by Congress July 12, 1909. Ratified February 25, 1913.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII

Passed by Congress May 16, 1912. Ratified May 31, 1913.

The Senate of the United States shall be composed of two senators from each state, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII

Passed by Congress December 17, 1917. Ratified January 29, 1919.

After one year from the ratification of this article, the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of submission hereof to the states by Congress.[1]

ARTICLE XIX

Passed by Congress June 5, 1919. Ratified August 26, 1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

The Congress shall have power by appropriate legislation to enforce the provisions of this article.

ARTICLE XX

Passed by Congress March 3, 1932. Ratified January 23, 1933.

Section 1

The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3

If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice President-elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice President-elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President-elect nor a Vice President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

ARTICLE XXI

Passed by Congress February 20, 1933. Ratified December 5, 1933.

Section 1

The Eighteenth Article of amendment to the Constitution of the United States is hereby repealed.

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[1] Repealed by the 21st Amendment.

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Section 2

The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors in violation of the laws thereof, is hereby prohibited.

Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission thereof to the States by the Congress.

ARTICLE XXII

Passed by Congress March 12, 1947. Ratified February 26, 1951.

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.

But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission to the states by the Congress.

ARTICLE XXIII

Passed by Congress June 16, 1960. Ratified March 29, 1961.

Section 1

The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but shall be considered, for the purpose of the election of President and Vice President, to be electors appointed by a state; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XXIV

Passed by Congress August 27, 1962. Ratified January 23, 1964.

Section 1

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2

The Congress shall have the power to enforce this article by appropriate legislation.

ARTICLE XXV

Ratification completed in February 1967.

Section 1

In case of the removal of the President from office or his death or resignation, the Vice-President shall become President.

Section 2

Whenever there is a vacancy in the office of the Vice-President, the President shall nominate a Vice-President who shall take the office upon confirmation by a majority vote of both houses of Congress.

Section 3

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice-President as Acting President.

Section 4

Whenever the Vice-President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice-President shall immediately assume the powers and duties of the office of Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice-President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within 48 hours for that purpose if not in session. If the Congress, within 21 days after receipt of the latter written declaration, or if Congress is not in session, within 21 days after Congress is required to assemble, determines by two-thirds vote of both houses that the President is unable to discharge the powers and duties of his office, the Vice-President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

ARTICLE XXVI

Proposed in March, 1971. Ratification completed on June 30, 1971.

Section 1

The right of citizens of the United States who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

VALUE PRINCIPLES IN THE CONSTITUTION

Note: The following terms, used in this reading, are explained elsewhere in this Student Text.

authority--see "Power, Authority and Legitimacy"

value principles--see "Value Statements"

The Constitution of the United States is a long and complicated value statement. It says, "This is the way the country should be governed." Having been ratified by the necessary number of states, it says, "We the people of the United States agree that the country should be governed in this way."

The Constitution makes several specific statements about the way the government should operate: statements about who should work in the legislative, executive and judicial branches and what they should do, about the ways the states should relate to each other and to the federal government, about the way the form of the federal government should be changed if changes are necessary, and about the way the Constitution should be established as an agreement among the states. These statements reflect many value principles and many lessons that the Constitution's authors had gained from their practical experience in government and in revolution. But the whole Constitution (including the Bill of Rights), the whole description of the way the country should be governed, rests on two value principles more basic than any particular provision in the Constitution.

One of these principles is that every *individual* should be able to do as he or she pleases, as long as the individual does not interfere with the ability of other individuals to do the same. The other principle is that every *group* of people that acts together should be able to do as the majority of the group pleases. The value principles together generally go by the name of *self-government*.

The idea of self-government was not new when it appeared in the Constitution. It had developed over a period of more than a century in Europe, where nations had long been in the process of cutting down on the authority of kings and building up the authority of parliaments. The American Constitution grew out of the British system of government, in particular; and many American revolutionaries believed that what they were doing with their Declaration of Independence, Articles of Confederation and Constitution was not to create a completely new kind of government, but only to guarantee for themselves and for future generations the kind of government that should have been theirs as British subjects.

Self-government is sometimes simple. A relatively small group of people can govern itself by holding meetings in which all group members participate, and in which all of the group's decisions are made and actions taken. A group that governs itself through this system, in which all members participate directly (usually by majority vote, sometimes by unanimous agreement), is called a *democracy*. But at the time the Constitution was written, the United States already included 13 states and had a widely scattered population of about four million. It was too big to govern itself by this kind of democracy, for many actions would have to be taken on short notice; there would not always be time to consult all the people.

The Constitution describes another kind of self-government, in which the people are not directly involved in all governmental actions, but in which the people do decide which individuals should be responsible for those actions and how those individuals should conduct themselves. A group that governs itself through this kind of system is called a republic, and it is said to have a *republican government*. In a republic, as in a democracy, *the people are sovereign*; that is, they recognize no authority higher than their own. But in a democracy the people exercise their authority themselves, whereas in a republic they delegate it to others (the elected officers of government) and hold those others accountable for their actions.

(Both "democracy" and "republic" are sometimes defined in other ways. "Democracy is sometimes defined to include any system in which the people are sovereign, not just a system in which the people govern directly. "Republic" is sometimes defined to include any system in which there is no king; under this definition, the sovereign is not necessarily the people, but could be a political party's leaders or a military dictator.)

There are many ways of designing a republican government. The legislature may consist of one house or more. The executive may be separate from the legislature or may be a part of it. The judiciary may be separate from the legislature or may be a part of it. Different officers may be elected by different groups of voters under different rules. Other officers may be appointed in various ways. Officers may be held accountable by the people, directly or indirectly, in various ways. And the laws may provide few or many limitations on the authority of the officers.

The Constitution describes one of many possible republican forms of government. Its authors consistently spoke and wrote of it as an experiment; they weren't sure that it would work. They were fairly sure that it *wouldn't* work unless the people could tinker with it, change a few things here and *there* from time to time, in order to keep it in touch with the times. With this idea in mind, they wrote into the Constitution the authority of the people, through elected representatives, not only to govern themselves, but to change the way in which they govern themselves.

The Constitution rests on the idea, then, that the people know what is good for them, and should be able to run their country as they see fit. There are other systems of government which do not include this idea. For example, a monarchy (unrestricted by a constitution and parliament) may rest on the idea that what is good for the monarch is good for the country, and only the monarch knows what's good for the monarch. For another example, several varieties of Marxism rest on the idea that a certain kind of revolution is inevitable--cannot be avoided and is certain to come sooner or later--that the best thing for the people to do is to go along with the revolution and if possible to hurry it along, and that only the leaders of a particular party know the best way of bringing about the inevitable revolution. Therefore, what is good for the people is what those party leaders say is good for them.

Republican self-government does not have the steadying influence of an all-knowing monarch or an all-knowing party leadership. It leaves what's best for the country up to the people. The people do not agree unanimously on any political issue, often make mistakes, and sometimes disagree violently. Republican self-government is not as efficient as either monarchy or Marxism. It sometimes appears to be going nowhere for long periods of time, and it sometimes changes directions in strange ways. It is very unpredictable. But it rests on the idea that any kind of government is bound to make mistakes sometimes, and the best kind of government is that in which the people are free to make their own mistakes.

THE STATES AND THE UNION

Note: The following terms, used in this reading, are explained elsewhere in this Student Text.

authority--see "Power, Authority and Legitimacy"

citizen in government--see "Political Freedom"

citizen under government--see "Political Freedom"

civil liberties--see "Political Freedom"

The Constitution of the United States is, according to its own Article VII, an agreement among several states. According to Article IV, Section 3, Clause 1, new states can become parties to the agreement with the consent of Congress.

But the Preamble--which is also part of the Constitution--does not begin with the phrase, "We the states...." Instead, it begins, "We the people of the United States...." Before the Constitution was written, there was no such thing as "the people of the United States"; there were only the people of New Hampshire, the people of Massachusetts, the people of Rhode Island and so on.

Is the Constitution an agreement among states, or is it an act--the first act--of the combined people of all the states? The Constitution itself seems to answer, "Both."

What difference does it make? At the time the Constitution was written it made a great deal of difference. One of the hottest debates in those days was over the question of sovereignty. Should the United States remain (as they were under the Articles of Confederation) a loose collection of 13 sovereign states (bodies that recognize no authority higher than their own, like the nations in the present-day United Nations)? Or should they instead become a single sovereign state with 13 subordinate parts? The debate was so fierce that the only way the Constitution could be accepted in nine states (the number required to establish the Constitution according to Article VII) was to give that unsatisfying answer: "Both."

The result is a form of government called federalism, in which the states surrender their sovereignty in some things to a higher (federal) government, and retain for themselves their sovereignty in other things. The idea behind this system was that the 13 states had to make a choice: either give up some of their sovereignty to a higher government, or fail to survive at all because of their weakness as individual sovereign states. The authors of the Constitution attempted to construct a limited central government, by listing specifically those kinds of authority which the states were surrendering. This meant that all other kinds of authority were reserved to the states.

During this century federalism has been the source of continued fierce debate. The central government has become considerably more powerful, in relation to the states, than it was in the 19th century. Some people have opposed this trend on the grounds that the more powerful any government is, the worse off its citizens are.

Others have opposed it because they thought the federal government was intruding in matters--such as education--which the Constitution does not place under the authority of any branch of the federal government.

Often the argument in favor of expanding the power of the federal government has been that such expansion was necessary in order to protect the civil rights of people in some (or all) states. Civil rights are the rights of a citizen under government according to the Constitution, such as the right to a jury trial and the right to equal protection of the laws. If the civil rights of a citizen of the United States are violated by one of the states, then, according to this argument, the federal government must intervene to protect the citizen against the state--even if it is necessary for the federal government to interfere in things that are under the authority of the state governments, such as education.

THE SEPARATION OF POWERS

The first three Articles of the Constitution of the United States describe three branches of government: the legislative, the Executive and the judicial. These Articles describe the obligations of members of each branch and also the methods by which members of each branch may be held accountable for their performance. One novel feature of the system of government described in the Constitution is that these three branches of government are separate: neither the Executive nor the Judiciary is part of the Legislature. However, both the Executive and the Judiciary are accountable to the Legislature, through the process of impeachment by the House of Representatives and trial by the Senate.

The three branches of this government are said to be related through a system of checks and balances. It is true that they are related through such a system, but the checks and the balances that were built into the Constitution have shifted over the years.

The basic functions of the three branches--the functions that must be performed if the government is to work at all--are relatively simple. The Legislature writes the laws. The Executive "executes" the laws, that is, puts them into action; it also represents the government in its dealings with other countries. The Judiciary settles disputes, either between a citizen and the government (as when the government accuses a citizen of violating the law or a citizen accuses the government of violating his or her rights) or between a citizen and another citizen (as when one citizen accuses another of violating his or her rights).

In the making of laws, the Executive has a check on the Legislature. No bill can become a law if the President objects to it, unless the bill is so popular in Congress that it can pass both houses again, by a two-thirds majority, after the President has rejected it.

In the execution of laws, the Legislature has a check on the Executive. In plain terms, the Congress can tell the President what the law is, and remove from office any President who refuses to enforce the law.

In the settling of disputes, the Legislature has a similar check on the Judiciary. The Congress makes the laws, and the courts apply the laws to disputes as they arise. The Congress can change the laws, and the courts can't.

From this description of the relationships among the three branches, it appears that the Judiciary does not have a check on anybody. But the Supreme Court, as it functions today, can declare either a federal law or a state law unconstitutional and thus forbid its enforcement. And in recent decades, the Supreme Court has ordered people to do things (for example, to desegregate schools) even though no law specifically requiring that it be done had ever been passed by the Congress or approved by the President. Article III of the Constitution doesn't give the Supreme Court either of those functions. How did it get them?

At the time the Constitution was written, the authors were aware that somebody would have to decide, at times, whether a particular act of the Congress, the President or the courts violated the Constitution. Some people, including Thomas Jefferson (who was not a delegate to the Constitutional Convention), thought that each branch should be its own judge. However, this is not always a practical solution, because it is possible that the three branches will have three different ideas about what is the Constitutionally correct thing to do in a particular situation. If the government speaks with three voices in such a situation, the citizens are sure to become confused. And if it is a situation that involves a threat to the survival of the nation (such as a war), the confusion might be fatal.

The Supreme Court acquired the function of deciding on the Constitutionality of laws by simply deciding, in one case, that a law violated the Constitution. The decision came down in 1803, when the Constitution was 14 years old, in the decision written by the fourth Chief Justice, John Marshall, in the case of Marbury v. Madison.* The law that the Court found unconstitutional was one which would have expanded the jurisdiction of the Court beyond the types of cases described in Article III, Section 2, Clause 2.

With its decision in Marbury v. Madison, the Supreme Court took upon itself the function of interpreting the Constitution. It is important to notice that the Executive could have gone ahead and enforced the law anyway, and the Congress could have impeached Marshall (or the whole Court--the decision was unanimous) for refusing to obey the law. The Supreme Court does not have any way of forcing either the President or the Congress to do anything. It cannot prevent the Executive from enforcing a law it has found unconstitutional, and it cannot force the Executive to enforce its orders (such as its orders to desegregate schools). However, since 1803, the Executive and the Legislature have accepted the Supreme Court's decisions on the Constitutionality of their actions. The Supreme Court has acquired--by custom, not by Constitutional amendment--a check on both the legislature and the Executive. Because this check is not written into the Constitution, many justices of the Supreme Court have opposed the Court's use of it.

Another important function of the Supreme Court--one that is provided in the Constitution--is that of the highest court of appeal. Any person involved in certain disputes in lower courts, who believes that justice has not been done, can appeal to higher courts up to and including the Supreme Court. The Supreme Court decides which cases it will hear, and it often rejects cases in which there is no clear-cut question about the meaning of the Constitution. In many cases there is a Constitutional question but there are also other questions that the Court does not want to deal with at the time. Beyond the Supreme Court there is only one way to get a different interpretation of the Constitution, and that is to change the Constitution through the amending process described in Article V.

Custom has changed not only the functions of the Supreme Court, but also the balance of power between the Legislature and the Executive. In the Constitution, the Congress makes the laws and the President executes them. In this century, particularly since the Presidency of Franklin D. Roosevelt, the Executive has assumed a large part of the original function of the Legislature. For the most part, it has become customary for the Executive to write proposed laws and send them to Congress for approval, rather than the other way around. The Congress, of course, can rewrite the laws or refuse to pass them at all. But most of the bills that actually become laws don't start in the Congress; they start in the various departments of the Executive.

POWER, AUTHORITY AND LEGITIMACY

The words "power" and "authority," like the word "responsibility," have everyday, common-sense meanings that everyone vaguely understands, but they also have technical meanings. This reading briefly introduces the technical meanings of these two terms and of a related one, "legitimacy."

The words "power" and "authority" are generally used as if they meant exactly the same thing. In social science, however, there is an important difference. "Power" itself is very difficult to define; it has been defined many times and in many different ways, and there is no single definition that all social scientists agree on. It generally means something like "the ability to get something done." In a government, power means, more specifically, the ability to get people to do things and to prevent them from doing other things. The important thing to remember about the word "power" is that it does not include the idea that the person who has the power *should* have that power. The concept of power has nothing to do with values.

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*The title of the case is read, "Marbury versus Madison." The title indicates that this is a case in which somebody named Marbury sued somebody named Madison.

Questions about power are therefore empirical questions, questions that can be answered by the scientific method. If we choose a definition of power, we can answer questions like, "Who has the power to do this?" and, "What power does this person have?" by performing observations and experiments in the real world.

There are many kinds of power, exercised by many kinds of people. It is not easy to locate a line between "political power" and other kinds of power, such as "economic power." A very rich person may be exercising "economic power" when he buys out his competition and becomes the only seller of some product or service. But if he uses his money to influence the outcome of an election, or to influence the votes of members of a legislative body, he is clearly exercising "political power" as well as "economic power." In this reading--just to keep things simple--we will speak only of the power of officers of the government.

The concept of authority, unlike the concept of power, includes a value idea. *Authority*, as we will use the word, is power in the hands that it *should be* in. This means that questions about authority cannot be answered by empirical observation and experiment alone. The question, "Who has authority to do this?" is another way of saying, "Who has the power to do this, and *should have* the power to do it?" The answer to "Who *should* have the power?" is always a value statement.

A third concept, closely related to the concepts of power and authority, is that of legitimacy. This concept can be defined in terms of power and authority: Authority is *legitimate* power. *Legitimacy* is what power has when it is in the hands it should be in. Legitimacy is another value idea. The question, "Is this person's power legitimate?" is another way of saying, "Should this person have this power?" The answer is always a value statement.

We are left with the question, "Who should have the power?" or, "Whose power is legitimate?" There are several ways of answering this question, but in our system of government the answers are provided by the Constitution. The authors of the Constitution believed that the only legitimate governmental power is power that has the consent of the people. The Constitution says, "We the people grant legislative power to the Congress, Executive power to the President and judicial power to the Supreme Court." It goes on to describe the particular ways in which "We the people" will choose (directly or indirectly) the persons who will hold these different kinds of power, and the particular ways in which we will (directly or indirectly) hold them accountable.

In short, the Constitution is a document in which "We the people" say which individuals should have power and what power those individuals should have. The Constitution defines legitimacy in this system of government.

This may sound like a system in which illegitimate power is impossible. The people (through the Constitution) define legitimate power, the people choose the individuals who will hold the power, and the people take the power away from those individuals if the people don't like the way the power is being used. However, the real world is a little more complicated than that. It is possible for individuals to get and to keep illegitimate power in this system. The reason it is possible is that the people do not always know what the power-holders they have chosen are doing with the power. It is possible for someone in government to use his or her power to do something that the majority of the people would not like if they found out about it, and to keep the people from finding out about it. The people cannot be sure that the powers of government are being used in legitimate ways unless the people know what the government is doing.

The fact that the people do not always know what is going on brings up a problem in the definition of legitimacy. Legitimate power is defined as power that has the consent of the people. Suppose an officer of government uses his power in some way that the people would not like (but do not find out about), and the people re-elect this officer. Then that officer's power appears to have the consent of the people, and therefore appears to be legitimate power. The difficulty is that the people have consented to something that they did not know about, and would not have consented to if they had known about it.

Legitimate power is sometimes defined as "power that is not resisted by a majority of the people," or "power that is not overthrown." Under this definition, the power of the officer described in the last paragraph is legitimate power. However, as we have seen, it is not really power that has the consent of the people, because the people do not know how that power is being used. If legitimate power is defined as "power that is not overthrown," it means, "whatever the government can get away with."

When legitimate power is defined as power that has the consent of the people, it is important to distinguish between the consent of people who know what is happening and the consent of people who do not know what is happening. The rights of free speech, press, assembly and petition in the First Amendment were added to the Constitution at the urging of individuals who wanted to ensure as best they could that when the people consented they would know what they were consenting to, and that when the government did something the people would not like they would find out about it.

RIGHTS AND OBLIGATIONS

Note: The following terms, used in this reading, are explained elsewhere in this Student Text.

legitimate power--see "Power, Authority and Legitimacy"

self-government--see "Value Principles in the Constitution"

The Constitution of the United States appeared in the midst of a very old system of government. Its authors had shared years of experience in the political life of Europe, and particularly in the British Empire. Their experience and their learning had left them with several values and concepts about government--values and concepts which were controversial and much discussed in their time, but which are now (in this country) taken for granted and little thought of.

About a decade before the writing of the Constitution, Thomas Jefferson stated some of these ideas in the Declaration of Independence.* The second paragraph of the Declaration begins with Jefferson's statement of the nature of rights, the relationship between rights and revolution, and the relationship between rights and the new government which was in the process of being formed.

The first sentence of that paragraph says that people "are endowed by their Creator with certain unalienable Rights, [and] that among these are Life, Liberty and the pursuit of Happiness." The important word in that statement, for our purposes, is "unalienable." Jefferson believed that certain rights were simply part of being human; as long as a person lived, that person naturally had these rights. This is a value statement. We might rephrase it as follows: Every person should be able to stay alive until a natural death, should have liberty, and should be able to try to become happy. ("Liberty," in the writings of Jefferson and others of his time, ordinarily means "self-government.")

The next sentence says, "That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed." Why is it necessary "to secure these rights" if they are "unalienable"? Because people sometimes find themselves in situations where they cannot stay alive, or do not have liberty, or cannot pursue their own happiness. That is, people are sometimes unable to exercise their unalienable rights. Jefferson believed that the purpose of government--the only purpose--is to guarantee that what people naturally should be able to do, they will be able to do: that is, to guarantee the exercise of their natural rights. And he believed that the only "just powers" of government are those which have "the consent of the governed." Power without the consent of the governed is illegitimate power. And Jefferson assumed that no body of rational people would consent to any government power that was not strictly necessary to guarantee the exercise of their natural rights.

The third sentence says, "That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government,... in such form, as to them shall seem most likely to effect their Safety and Happiness." That is, Jefferson believed that when any people find either that their government does not guarantee the exercise of their natural rights, or that it exercises powers over them which they have not consented to, then they have a right to get rid of that government and to replace it with another one.

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*The Declaration of Independence appears as an appendix at the end of this Student Text.

Jefferson believed, then, that some rights are natural, that people are born with them. But he also believed that a natural right is worthless unless it is possible to exercise it, and that the only way to guarantee the exercise of natural rights is to establish a government that guarantees it. Beyond that, he believed that it is possible for a government to create new rights and guarantee their exercise, even though they are not among the rights people are naturally born with. For example, Jefferson and some others thought the right to own property was a right created by governments, but there were also people who believed that property rights were natural.

According to Jefferson, then, there are two kinds of rights: (1) those which people are naturally born with, but which are not "secure" unless the people establish a government to secure them, and (2) those which may be created and guaranteed by the government the people have established. And the important thing to note about this is that no matter which rights (if any) we consider to be natural and which ones created, they are all useless unless there is a government to guarantee that people will be able to exercise them. Practically speaking, without a government there are no rights.

Another idea, which came along with this one in the tradition of British political thought, was that people have to give up something to the government in order to get from it the protection of their rights. Different writers described the trade-off in different ways, but the basic idea they shared is that people give up, to the government they create, the right to protect their own rights. The business of enforcing, protecting and guaranteeing the exercise of rights is left up to the government.

British writers (notably Thomas Hobbes [1588-1679] and John Locke [1632-1704]) had described this trade-off as a social contract. Again, there were differences, but the basic idea was that people agree among themselves that they will surrender to a common government their natural right to protect themselves from each other. Then, in the social contract theory of Locke (which was more influential than that of Hobbes among the American revolutionaries), the people pick a government and surrender the right of self-protection to that government on the condition that the government will protect their rights. If the government stops protecting their rights, or assumes power to do something besides protecting their rights, then according to Locke (and Jefferson) the people have the right to take back to themselves their natural right to protect themselves, and to give it to a new and different government.

The important feature of social contract theory, as opposed to other theories of government, is its description of an agreement among individuals to establish a government and to be governed by it. The individuals, according to social contract theory, undertake the obligation to obey their government; in exchange for this obligation, they get government protection for their rights. The government undertakes the obligation to protect the rights of the individuals; in exchange for this obligation, it gets legitimate power.

The social contract theory is sometimes thought to be just so much talk, because there never has been a time when all the individuals under any government sat down and made an agreement like that. However, the theory is not intended to be a description of a process that took place in the past. Rather, it is intended to be a model of a relationship that exists in the present: the relationship among citizens, and between the citizens and the government, in a nation. The theory says that people and their government act as if there were a social contract. Every citizen is not required to sign a contract saying he or she will obey the laws and uphold the Constitution. But most citizens act as if they had signed one, and citizens who do not act that way are held accountable as if they had failed a written obligation to obey the laws or to uphold the Constitution: they are denied, temporarily or permanently, the exercise of some rights which other citizens enjoy (such as the right to be out of jail).

The situation would change if most people stopped acting as if they had an obligation to obey the law and uphold the Constitution. If that happened, the government would not be able to function. It would be as if the people had decided that the government was no longer serving its purpose and had abolished it. And, having thrown off their obligation to obey the government, they would lose its protection. The protection of the individual's rights would be up to the individual.

The social contract theory raises another question: How do people actually become obligated to obey the laws? Or do they actually not become obligated, but only act as if they were? Why can't a person, when arrested for a crime, say that he is not obligated to obey the laws and is not accountable to the courts, since he has never actually made an agreement to obey the laws?

Some people have tried that, in this country and in others. The reply of the courts has generally been that a person can become obligated to obey the laws by giving implied consent to them. Express consent would require some positive action such as signing a contract or swearing an oath. But implied consent can be given by such actions as paying taxes (thereby implying that the government has a right to collect them and the citizen has an obligation to pay them) or even, according to some opinions, by accepting the protection of the laws--which means, by merely existing in a place where the government claims that its laws are in force, instead of leaving. By accepting the protection of the laws, an individual is, by implication, holding the government to its obligations under the social contract; and he cannot logically ask the government to hold up its end if he doesn't intend to hold up his.

One last question raised by the social contract theory: What is a citizen? How does one acquire the rights and obligations of citizenship under a government that already exists? Some people, in this country, actually have to swear an oath to uphold the Constitution and laws of the United States before they can become citizens. These people are immigrants who become naturalized citizens. Before they swear the oath, they are not citizens; when they swear it, they become full citizens with all rights (except the right to become President) and obligations. They really do become parties to a social contract.

But most citizens of this country do not have to swear an oath or even make a promise in order to become citizens. All they have to do is be born here. They do not, however, acquire all the rights and obligations of citizenship at birth. As minors, they are not given all rights of citizens, but they do have some. When they reach the age of eighteen, they acquire the right to participate in the selection of the people's agents in government. But whether the citizen is naturalized or native-born, the full rights and obligations of citizenship come only after a period of education. This form of government does not work unless all the people--those in government and those outside it--have learned to act as if there were a social contract, and they had signed it.

POLITICAL FREEDOM

Note: The following terms, used in this reading, are explained elsewhere in this Student Text.

citizen--see "Rights and Obligations"

implied consent--see "Rights and Obligations"

self-government--see "Value Principles in the Constitution"

Under the Constitution of the United States, a citizen has two roles which sometimes seem contradictory. One is a role in government, a role in the making of laws and in the building of the Constitutional system; the other is a role under government, a role in obeying the laws and upholding the Constitution.

People often think that their role in government takes place only in the voting booth, when they vote for their representatives in the various levels of government. This is certainly part of a citizen's role in government, and it is the most obvious part.

But voting is not the whole role of the citizen in government. A person who votes, and who takes the process of voting seriously, does a number of other things as well. The citizen thinks about policy questions; thinks about policy alternatives (either his own ideas or the ideas of others) and tries to decide on a prefered alternative; thinks about candidates for various public offices and tries to decide on a preferred candidate. In other words, the citizen in government is--or at least could be--involved in processes of listening, reading, thinking, talking and writing about government. These processes do not go on inside the voting booth; what goes on inside the voting booth is only one act in the citizen's role in government. There the citizen merely records the result of his real work as a self-governing citizen.

The citizen is, of course, free *not* to do any of this; there is no requirement that anyone listen, read, think, talk, write or vote about government. But the authors of the Constitution, and particularly the authors and supporters of the Bill of Rights, intended the Constitution to guarantee that every citizen would be free *to* do any and all of these things.* Amendment I says in clear terms that the government is not to get in the way of people's talking, reading, writing and meeting together. These rights are the *civil liberties* of the citizen *in* government.

The citizen also has a role *under* government. Whereas the citizen's role *in* government is to make the laws (indirectly), the citizen's role *under* government is to obey the laws. The dual role of the citizen in self-government often puts people in the position of having to obey laws which they believe are wrong, but to which they have (according to the courts) given their implied consent anyway. A person who accepts the protection of the government consents to the operation of the government, and a basic part of its operation is majority rule. Majority rule works only as long as the losing minority agrees to go along with the majority. The individual is therefore obligated to obey all the laws, whether he likes them or not.

The other side of the coin is, of course, that the citizen has the right to try to change the laws he thinks are wrong, and to try to put into effect new laws that he thinks are right. A citizen who does this is obligated to obey a law he does not like, but he is not obligated to pretend that he likes it. In fact, the government is obligated to protect his right to express through speech, press, assembly and petition his opinions about laws he does not like.

It does not follow, however, that the government is obligated to let the citizen say or write absolutely anything he pleases. For example, "The right of the people peaceably to assemble" does not include the right to assemble for the purpose of figuring out a way to rob a bank; that is a conspiracy to commit a crime. "The freedom of speech, or of the press" does not include the freedom to call someone nasty names in public, either orally or in print; that is slander (orally) or libel (in print).

Talking, writing and meeting together are not only functions that a citizen *in* government must be free to exercise, but also acts that a citizen *under* government can use to violate laws. This fact has given the courts a fair amount of trouble. Their most famous attempt to deal with this problem occurred in a unanimous Supreme Court decision written by Justice Oliver Wendell Holmes in 1919, in the case of *Schenck v. United States*. In that opinion Justice Holmes said, "The character of every act depends upon the circumstances in which it is done. The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater, and causing a panic....The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent."

This doctrine is an attempt to draw a line between the rights of the citizen *in* government and the obligations of the citizen *under* government. It says, in effect, that when these things are in conflict a person's rights as a citizen in government take back a seat to his obligations as a citizen under government. The conflict occurs when a citizen in the process of speaking, writing or meeting with other citizens suggests changing the laws or the government and also, in the same words, urges someone to commit a crime or to violate someone else's rights.

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*The original Constitution did not clearly define citizenship, and it did not deny the vote to anybody. Article I, Section 2, Clause 1 left the qualifications for voters up to the states, and the states denied the vote to slaves and women, among others. The 13th Amendment (1865) abolished slavery. Section 1 of the 14th Amendment (1868) defined a citizen as a person "born or naturalized in the United States, and subject to the jurisdiction thereof" and guaranteed to all citizens "due process of law" and "equal protection of the laws." However, Section 2 of that Amendment limited the vote to male citizens over the age of 21 who had not participated in "rebellion, or other crime," and recognized the right of states to deny the vote to some (unspecified) adult male non-criminal citizens; those excluded, in practice, were former slaves. The 15th Amendment (1870) required that nobody be denied the vote "on account of race, color, or previous condition of servitude." The 19th Amendment (1920) required that nobody be denied the vote "by reason of failure to pay any poll tax or other tax"--a measure that, in effect extended the vote to many poor people, particularly poor black people in Southern States. The 26th Amendment (1971) required that nobody who was 18 or older be denied the vote "on account of age."

Mr. Justice Holmes' opinion upheld the conviction of some men who, during World War I, had urged other men, in writing, to exercise "the right to assert your opposition to the draft." The drift of the opinion was that, in wartime, urging men who were subject to the draft to resist presented a "clear and present danger" to the nation. Citizens have a right to be opposed to a law and even to urge others to oppose it and to assert their opposition to it; but in some situations, under this ruling of the Court, the government is not obligated to guarantee exercise of that right, but is instead obligated to prevent exercise of it in order to protect the nation.

This opinion has been controversial ever since it was written. Several writers have argued that the right of citizens to speak, write and meet on questions of government is so important that it must be guaranteed by the government no matter what the consequences.* In an extreme form, the argument might be stated as follows: If the citizens cannot exercise their rights in government--the rights of free speech, press, assembly and petition--then they are no longer self-governing and the government deserves to fall.

In a less extreme form, it may be pointed out that there is a difference between "shouting fire in a theater" and urging people to exercise "the right to assert your opposition to" a law. If a person shouts fire in a theater, he is either a hero or a villain, depending on whether the theater is on fire. But if a person shouts (or writes) that a law is wrong, who is to determine whether he is shouting "falsely"? Whether the theater is burning is a question of fact that is easily determined by observation. Whether a law is wrong is a question of value. If Congress passes it, the President signs it and the Supreme Court upholds it, then there is no question that it is a law and all citizens are obligated to obey it. But there is also no question that all citizens have the right to try to change it. For the citizens, under the Constitution, have the last word in deciding what is a good law and what is not: they, through their elected representatives, make all the laws.

The argument against Mr. Justice Holmes' decision is that the government should not prevent citizens from exercising the right to try to change the laws. That is, the Congress should make no law interfering with the freedom of speech, press, assembly or petition in any matter that concerns the rightness or wrongness of a law or of the form of the government. Speaking about other things is not part of the citizens' role in government; it may therefore be controlled by law, and the controls may be enforced by agents of the government. But speaking about the rightness or wrongness of a law or of the form of the government is part of the citizens' role in government; and in that respect, all government officials, elected or appointed, are the agents of the citizens. The citizens tell the officials what to do, not the other way around.

If the citizens are to decide among themselves what they want the law to be, or what they want the form of government to be, then they must be free to speak and write about these questions, and to urge one another to consider and adopt their positions on these question. Urging people to assert opposition to a law, according to this argument, is therefore a fundamental right of every citizen, and the government cannot interfere in its exercise without creating a clear and present danger to self-government.

There are also arguments in favor of the "clear and present danger" rule. The general idea behind them is that political speech may be restricted in "time, place and manner" to avoid situations in which the speech will incite people to commit crimes (as by starting a riot). A person who incites others to commit a crime has committed a crime himself, and he deserves to go to jail for it. He will go to jail not because of what he said, but because of the way he said it. Citizens are still free to say anything they like about politics, as long as they do not say it at the wrong time, in the wrong place or in the wrong manner.

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*Several justices of the Supreme Court have opposed using the "clear and present danger" rule to strike down any laws that limited freedom of speech. In general, however, they have opposed use of this rule not because they thought the freedom of speech was unimportant, but because they thought the Supreme Court should avoid striking down any laws because they were unconstitutional. Their disagreement with the "clear and present danger" rule is therefore based not on ideas about the freedom of speech, but on ideas about the proper role of the Supreme Court in the American system of government. See "The Separation of Powers," in this Student Text, for more information on this issue.

Some opponents of the "clear and present danger" rule are unsatisified by this argument because, they say, the government could restrict the "time, place and manner" of political speech so narrowly that it would be impossible for anybody with an unpopular idea to change anybody else's mind. That is, the "time, place and manner" rule could be used to keep people from actually putting their freedom of speech to any practical use.

In short, there does not seem to be any simple way of avoiding the conflict between the rights of the citizen in government and the obligations of the citizen under government. Every rule that has been tried can result in damage to one or the other of them.

MINORITIES AND MAJORITIES

Note: The following terms, used in this reading, are explained elsewhere in this Student Text.

authority--see "Power, Authority and Legitimacy"

self-government--see "Value Principles in the Constitution"

Voting is one of the most useful devices people have ever invented for making decisions in groups. It is the only method of group decision-making that works if (1) it is desired that the decision reflect, somehow, the "will of the group" and (2) the group is divided over what the decision should be. Under those conditions, the only alternatives to voting are either for the group to delegate to somebody else the authority to make the group's decision for it, or for the divided group to discuss the problem until everyone agrees on a decision.

Voting is used extensively in our society, in all kinds of groups, to make group decisions. It is not used extensively in every society. Voting does not work unless all the members of the group agree among themselves that they will accept the alternative that gets the most votes. And people are not born with the willingness to do that. The willingness to abide by the results of a vote is an attitude that can be acquired only by learning. In a culture that does not teach this attitude from childhood, voting either does not occur or, if it does occur, may be used as a cover for some other kind of decision-making. (For example, if everyone votes for delegates to a legislature, but there is only one candidate for each seat and every candidate has been preselected by the central committee of a political party, then the voters are not really making a decision. They may be expressing consent to the decision of the party central committee, but they are not making the decision. It has been made for them.)

The learning process must precede voting because voting always creates at least one minority (except in the unusual case in which the vote is unanimous). The minority consists of people who disagree with the decision of the majority, but who have already agreed to abide by that decision. The minority consists of people who are obligated to do something they do not want to do. (In some cases, of course, they can leave the group. But if "the group" is, say, the citizens of the United States, then leaving the group is not really an option for most members of the minority.)

Just how bad the plight of the minority member is depends, however, on how permanent the minority is. It is one thing if the minority member has hope that the minority position might later become the position of the whole group. But it is something else altogether if the minority member knows that he will always be in the minority on this particular question, and will always be obligated to do something he does not agree with.

In other words, it makes a great deal of difference whether minority members have the right to try to change the minds of majority members and of those who are undecided. In practical political terms, it makes a great deal of difference whether minority members enjoy freedom of speech, press, assembly and petition. As long as minority members are able to exercise these rights, there is a possibility that their position will become the majority position and, thus, the position of the whole group. To say the same thing in a different way: As long as all members of the group enjoy the exercise of these rights, it is possible for the group as a whole to "change its mind," and the group is therefore self-governing. It has what Thomas Jefferson and the authors of the Constitution referred to as "Liberty."

The Constitution itself expresses the position of a particular majority at a particular time in the nation's history. There was, at the time, a minority that opposed the Constitution. In fact, there were several such minorities, for there were several different reasons for being opposed to the Constitution. The Constitution has been in effect for nearly two hundred years. It might appear that the majority which put it into effect was a permanent majority, that opposing the Constitution was determined in 1789 to be a position that would never be allowed to become the position of the whole people of the United States.

But the authors of the Constitution did not, in fact, have that idea in mind. If they had, they would not have made provisions for changing the Constitution. And, in fact, if they had tried to make the Constitution unchangeable, they would never have got it ratified by enough states to put it into effect; for some of the first nine states refused to ratify until they were assured that the Constitution would be changed immediately to include a Bill of Rights.

The Constitution was designed so that any minority opposing the Constitution for any reason could at any time become a majority and, using procedures described in the Constitution, make its position the law of the land. Under the Constitution, the people of the United States are self-governing in the sense that (through their elected representatives) they make their own laws. They are also self-governing in the sense that (again, through elected representatives) they have made and are still making their own Constitution. Many of the amendments in the Constitution represent the victory of what once was a minority over what once was a majority. Other minorities are still trying to make further changes. (Some amendments, such as the 11th, 12th, 20th, 22nd and 25th, are more in nature of tinkering with the machinery of government to make it function more smoothly, and do not really reflect shifts of majority opinion from one side of a great issue to another side.)

In any discussion of minorities in politics it is necessary to be aware that there are several kinds of minorities. One kind, which might be called an electoral minority, is one that is created by voting: the electoral minority consists of those who voted against the majority. Another kind of minority, which might be called a political minority, consists of all those who hold a minority view on a political question, whether there happens to have been a vote or not.

When the word "minority" is used in discussion of American politics, it usually refers neither to an electoral nor to a political minority, but to a racial, ethnic or religious minority. You belong to an electoral or political minority by virtue of your opinion or belief about a particular political question (e.g., whether a certain person should be elected to a certain office, or whether a certain law should be repealed). But membership in a racial, ethnic or religious minority does not depend on your opinions or beliefs about any political issue. Rather, it depends either on something you have no control over at all (such as your genetic or cultural inheritance) or on your beliefs or opinions about things which, under the Constitution, are none of the government's business (such as the question of which religion, if any, represents spiritual truth).

One example will illustrate the importance of the distinction among different kinds of minorities. In the debate over the rights of women in American society, some writers have said that women are an oppressed minority in the society. Strictly speaking, the statement is false, because there are more females than males in the American population: women are not a minority at all, but a majority. But they are not a political or electoral majority.

Are women, then, a political or electoral minority? No. If there is one political issue on which all women agree, then women are a political majority on that issue. But some people (men as well as women) believe that women are a "minority" in the way that, say, black people or Jews or Italian-Americans are a minority: they are identifiable as members of a particular group because of a characteristic that has nothing to do with their opinions on any political issue; and they are discriminated against in one way or another (jobs, housing, education, etc.) because of their membership in that group.

In any discussion of the rights of women, it is necessary to keep in mind two different groups: (1) all women, who may be deprived of the exercise of some of their rights simply because they are women; and (2) all people who believe that women should enjoy the same rights as men, and who have (as a political minority) the rights of free speech, press, assembly and petition--the right to try to become a political and electoral majority. From the viewpoint of practical political action--of trying to get something done in government about the rights of women--the important group is the second one, the political minority. The political minority includes men as well as women, and it does not include all women. In the political system established by the Constitution, the group that has a chance of securing the exercise of equal rights for women is not all women, but all persons (men as well as women) who believe that women should have the same rights as men. And their opponents are not all men, but all persons (women as well as men) who believe that women should not have the same rights as men.

The same observations apply to any other minority which is defined by some nonpolitical characteristic (racial, ethnic, religious or otherwise) and which is discriminated against on the basis of that characteristic.

DESIGNING A CHD POSTER

During the next class session you will work with other students to design a poster. The poster is intended to have an impact on persons your own age--students in your own school. Most people with coronary heart disease (CHD) don't know they have a problem until they are in their thirties or even older. By that time the heart condition has been developing for many years, and it is too late to convince them to take preventive steps. Most factors that increase the risk of CHD are habits or conditions that begin in childhood or early adulthood. So it's important to educate people your own age, hoping that they will take preventive measures now and thus avoid CHD when they are older.

The poster you design may be used for just this purpose. If it's good enough it may be displayed in your school. Even if it's not so good, designing it will serve other purposes. You may know, for example, that when people become involved in the task of convincing others, they often convince themselves. In a famous experiment conducted during the second World War, social psychologists tried several techniques to persuade housewives to use meats that were often considered "inferior," such as sweetbreads or kidneys. The shortage of meat made this a desirable goal. Several techniques were tried.

Outstanding lectures were given to one group; experts in nutrition presented their evidence that these meats could provide adequate nutrition and could be prepared in attractive menus. Another group received patriotic appeals, and were told of the contribution to the war effort they would make by agreeing to sacrifice and use these less desirable meat products. There were other techniques, but the one that was most effective was indirect.

Housewives in one group were never told that they should use these meat products. They were asked to help plan a program for persuading other housewives to use the "undesirable" meats. To do this, the housewives came up with a number of convincing arguments, put together an impressive list of facts about these meat products, and came to know a lot about their qualities and ways to prepare them. It was this group that actually used the less conventional meat products most often in menus for their own families. By trying to think of ways to persuade others, they had persuaded themselves.

So one of the purposes of asking you to design a CHD poster is to help you convince yourself. Even though you know the principle behind this device, it may still have an effect. But there is another purpose behind the poster-designing activity.

When all of the groups have designed posters, each poster will be judged in a contest. There will be two methods of judging. The first is informal, and will occur in a small decision-making group. (Instructions for judges who are members of that group are found in the next reading.) The second method is formal and bureaucratic. You may not know at this point what we mean by "bureaucratic" or "formal decision-making." Unfortunately, the technique that will be used to judge the posters must remain unknown to you until after you have created the poster. If you knew in advance exactly how your poster would be judged, it might affect the design your group submits.

But it will all become clear when the judging is completed. In judging the posters, four criteria will be important. Keep these in mind during your designing session:

ORIGINALITY (Does the poster present the message in a unique way? Does it stand out from other posters?)

NEATNESS (Did the designers take time to produce a clean and appealing poster?)

IMPACT (How strongly does the poster motivate young adults to change their habits and conditions?)

ACCURACY (Is the information presented accurate and complete?)

INSTRUCTIONS FOR JUDGES IN THE POSTER CONTEST, VERSION I

Your group has been selected to act as judges for Version I of the CHD poster contest. The poster your group made will not be eligible to win in Version I of the contest, but it will be eligible in Version II.

As judges for Version I you are responsible to judge the entries on the basis of the following four criteria:

1. Originality.

2. Neatness.

3. Impact.

4. Accuracy.

Using only these criteria, select and announce first-, second- and third-place winners from among the eligible posters. Your instructor will tell you how much time you have to reach your decision.

INSTRUCTIONS FOR OBSERVERS IN THE POSTER CONTEST, VERSION I

You will be an observer during the judging of Version I of the CHD poster contest. A panel of judges has been selected to pick the best entries on the basis of originality, neatness, impact and accuracy. (The poster that the judges themselves have made will not be eligible to win in this version of the contest.)

While the judges are reaching their decisions, you and the other observers should not make any comments or gestures that might interfere in the decision-making process. You are to observe; the judges should not be influenced by your presence. Observe how the decision-making process works and write down your observations on a separate sheet of paper. Consider the following questions.

1. How do the judges allocate responsibility among themselves? Does one person appear to be doing most of the deciding, while the others just go along? Do the judges vote? Do they try to reach unanimous agreement and, if they try, do they succeed?

2. How is the allocation of responsibility established? Do the judges agree at the outset on a way of making their decisions? Do they gradually develop an allocation of responsibility as they go along? Do they fail to establish any pattern that you can recognize?

3. Do the judges seem to agree on what "originality" means? On what "neatness" means? On what "impact" means? Do they all seem to agree at the beginning? Do they disagree at first and then gradually develop agreed-on meanings for these words? Do they disagree at first and keep on disagreeing? Do they ignore these words altogether?

4. Do the judges seem to apply the same criteria equally to all posters? Do they seem to consider some criteria more important than others? Do they introduce new criteria of their own? Do they seem to favor one poster or another for reasons that have nothing to do with the criteria they have been given? Do individual judges try to get their friends picked as winners regardless of what the criteria are supposed to be?

INSTRUCTIONS FOR OBSERVERS IN THE POSTER CONTEST, VERSION II

You will be an observer during the judging of Version II of the CHD poster contest. A panel of judges has been selected to pick the best entries according to rules given in the judges' instructions.

While the judges are reaching their decisions, you and the other observers should not make any comments or gestures that might interfere in the decision-making process. You are to observe; the judges should not be influenced by your presence. Observe how the decision-making process works and write down your observations on a separate sheet of paper. Consider the following questions.

1. How does responsibility seem to be divided among the judges? Are they all doing the same thing? Is each one doing something different? Are some doing one thing and others doing another? Who is doing what?

2. Do some judges seem to have more responsibility than others? Do some seem to have authority over others? If so, which ones have it? Do some judges seem to have more difficult responsibilities than others? If so, which ones have the difficult jobs?

3. Do the judges seem to be acting as a group or as individuals? Does each judge seem to know what each other judge is doing? Do all judges seem to be ignorant of what the others are doing? Do some know what the others are doing? If some seem to know more than others about what is going on, which ones seem to know? Do they seem to have positions of authority or difficult jobs? (See your answers to Question 2 above.)

4. Do the judges seem to apply the same criteria equally to all posters? Do they seem to consider some criteria more important than others? Do they introduce new criteria of their own? Do they seem to favor one poster or another for reasons that have nothing to do with the criteria they have been given? Do individual judges try to get their friends picked as winners regardless of what the criteria are supposed to be? How can you tell?

Note: You will be given a copy of the "Instructions for the Departments in the Poster Contest, Version II." You may want to refer to these instructions to find out what the judges are supposed to be doing.

DECISION-MAKING ABOUT HEALTH CARE

So far in this unit you have examined several decision-making situations. You made a decision about the most appropriate recipient of an artificial heart, and a decision about whether anyone should receive an artificial heart when there were other ways to spend the same money (other ways to allocate the same resource). In the dice game you participated in six decision-making situations, each simulating a different allocation of responsibility for decision-making. In your study of the Constitution you have seen the allocation of authority to make different kinds of decisions among citizens and officers of government. And in the poster contest members of your class made decisions in two ways: in an informal group and in a simulated bureaucratic organization. At this point it should be obvious that there are many ways of making decisions and many ways of allocating responsibility for decision-making.

In obtaining health care, decision-making is very important. It can be as simple as deciding whether to seek medical advice when it appears necessary. A person who has a wound or abrasion, intestinal difficulties or chest pains may decide to consult a physician, a friend or no one. A person who is advised to submit to a strict diet to loose weight may decide to accept expert advice or to continue eating what he pleases and accept the risks of overweight or obesity. These are individual decisions, although the individuals who make them are free to seek the advice of others.

There are many other decisions to be made about health care, and many of these are not individual. People are sometimes required to get medical care by an employer or by the society, for the protection of others. Insurance companies sometimes require applicants to take physical examinations. People with contagious diseases are sometimes required to undergo a period of quarantine. State educational agencies often require teachers and other school workers to take tests for tuberculosis. Some states require that persons who want to get married take blood tests and other tests. Most nations require inoculation against certain diseases before they allow a person to enter the country.

Perhaps the most important decisions about health care above the individual level are those which determine how health-care resources should be allocated, who should have access to health care and who should bear the cost. Before this unit is completed, you and the other members of your class will role-play a situation in which decisions are made about plans for the allocation of the nation's health-care resources. Before that occurs, it will be helpful to have answers to some very general questions.

How satisfied are Americans with the health care they receive? What is the current status of health-care delivery in the United States? What alternatives to the present method of allocation of health-care resources are available? These questions will form the bases for discussions and activities over the next several days.

DRAWING A SAMPLE

Suppose you wanted to know what teachers in your school think about the health care they have received. You could ask every teacher his or her opinion, and report the responses. But if you are in a large school, with many teachers, this procedure would be cumbersome. There is an easier way. You could ask some teachers, then generalize from the ones you did interview and assume their opinions are representative of the opinions of all teachers in your school. But which teachers would you ask? You might select only those teachers you know, live near or happen to see every day. But how would you know that they represented the entire population of teachers in your school? The answer is that you would not know this with any degree of certainty. But if you carefully selected the teachers you were going to interview, and if you knew that each of your respondents was chosen by chance, you would have a random sample of the population of teachers in your school.

How many teachers would you need before you could say you had a representative random sample? The size of your sample should be determined by the size of the population. This is true only up to a point, and that point is determined by the laws of probability. For example, three thousand respondents is usually an adequate sample to allow researchers to predict the presidential vote out of a population of perhaps a hundred million elegible voters. But three teachers do not provide an adequate sample of the opinions of one hundred teachers. (The reason the sample would be inadequate is found in probability theory.) In general, for small populations (under 1,000), a sample of one in ten is usually sufficient. That means that if you want to generalize about the opinions of one hundred teachers, you would need at least ten randomly selected members of that population.

"Random sampling" has a specific definition. A sample is random if each individual member of the population from which the sample was drawn had an equal chance of being selected. If you put three hundred names in a hat, if each name were written on an exactly equal-sized piece of paper and if the names were well-mixed, then thirty names drawn from the hat would be an approximately random sample. But there are better ways of drawing a random sample.

One method is to obtain an alphabetical list of the population and to select every third, fifth or tenth name from the list. You would be more likely to get a random sample this way than by drawing names from a hat, but it still may not be totally random. Computers are used to insure random selection by assigning a different number to every member of the population, and then randomly selecting numbers until a sample of the desired size is obtained. If you decide to draw a random sample, you will probably do best to select names from a list and hope that this procedure is sufficiently random to ensure good results.

There are other methods for approximating a random sample. They are not as accurate, but they are easier. If you wanted to determine the opinions of seniors in your school, you might select a course which is required of all seniors, and interview all members of one class taking that course. Because it is a required course, there is some reason to assume that any class taking that course represents a cross-section of the entire population enrolled in that course. However, this assumption isn't exactly right. You may have eliminated a part of the population (members of the football team, for example) because they had to take some other class at that time. You might miss all students who leave school early for jobs if you select an afternoon class. If you want to sample students, this method will be an acceptable substitute for more accurate methods of obtaining a random sample. Even though it has its limitations, it is superior to asking students whom you see in the hall or those who happen to live near you.

Students whom you see in the hall or those who happen to live near you do not represent all students in a class. You have omitted students who are not in the hall, or who live in some other neighborhood (where people may have different opinions). "Man in the street" interviews are often guilty of this "hit or miss" sampling error.

When you are deciding which types of respondents you want to interview about their opinions of health care, keep in mind the problems you may have in obtaining a representative random sample of the population. You may decide to avoid this problem by interviewing an entire population, such as parents of Biomedical students. If you do decide to draw a sample from a population, try to draw a sample that you believe closely approximates the characteristics of that total population. Then you can have more confidence in your results.

HOW TO INTERVIEW

To help collect data for your study and make sure the information you obtain is reliable, use the following rules to guide your interviewing.

1. Inform the respondent of your class assignment.
2. Hand the respondent the introductory letter that explains the assignment.
3. Select a time that is convenient for the respondent and one during which you will not be interrupted.
4. Read the questions as they are stated on the questionnaire. If the respondent does not understand the question, read it again. DO NOT PROVIDE ADDITIONAL INFORMATION.
5. Mark the answers clearly on your interview questionnaire. Where answers must be written down, write as clearly as possible.
6. When you have finished, thank the respondent for helping you with the assignment.

What if...

1. **the respondent refuses or is unable to answer a particular question?** Leave the answer blank and go to the next question.
2. **the respondent refuses to participate?** Write "Wishes Not To Participate" across the top of the questionnaire and return it to class.

REMEMBER...Read the questions as they are written. Allow time for the respondent to think about his or her response, but do not provide any additional information.

HEALTH-CARE COSTS IN THE UNITED STATES

In the last four lessons you have done some research to determine how people in your community evaluate the health care they receive. People's evaluations of the health care they receive depend on several things. For example, they depend partly on whether the care they have received was appropriate: whether it prevented the illness it was supposed to prevent or cured the illness it was supposed to cure. Evaluations also depend on other things that are not directly related to the appropriateness of treatment received--things like the attitudes of health care providers, the difficulty of getting health care and the length of time it was necessary to wait in order to get care.

When people try to evaluate the health-care system in the United States as a whole--not just the health care they have received themselves--their evaluations are still affected to some extent by the things described above. But they are also affected by people's knowledge and opinions of the state of health care in the society generally.

When people are asked to evaluate the American health-care system, they often mention as sources of dissatisfaction the costs of the health-care system, the ways in which the costs are paid, and the ways in which the payments are divided up among health-care providers, insurance companies and others. This reading will provide you with some basic information about health-care costs in the United States. (Note: Following this reading are some tables of data and, after the tables, some graphs of the same data. After you have finished this reading, you can find out more of the details of health-care costs in the United States by studying those tables and graphs.)

One of the major facts about health-care costs is that they are increasing, and have been increasing for some time. In 1973 the total amount of money spent on health-care (including medical research and the construction of health-care facilities) in the United States was $99,069,000,000--almost one hundred billion dollars. Large as this number is, it was only about 7.7% of the Gross National Product in 1973. (The Gross National Product, or GNP, is the total value of all goods and services produced in the United States in one year.)

To see how much health-care costs have been increasing, compare that figure with the fact that in 1950--23 years earlier--total health-care costs were only 4.6% of GNP.

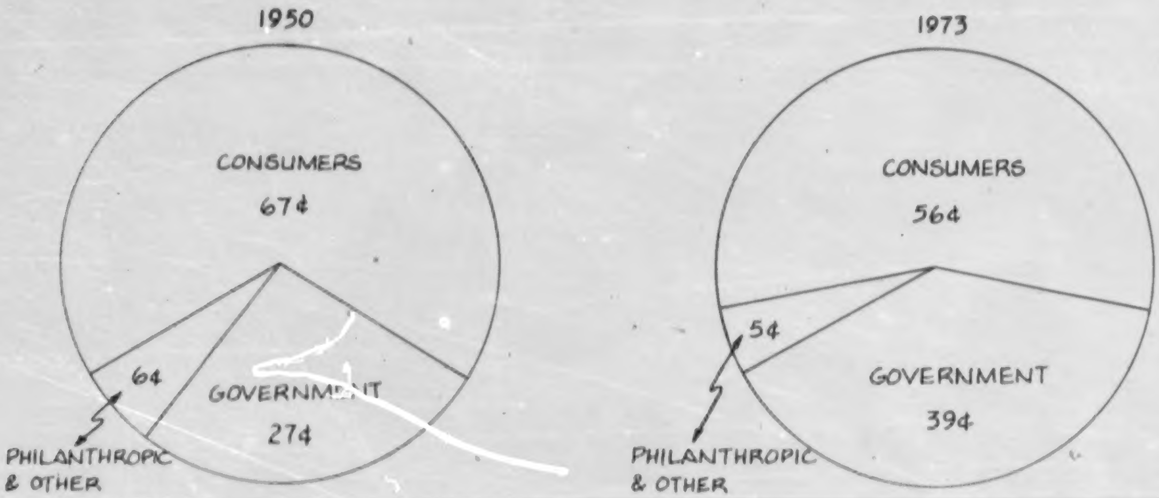
Another way to see the increase in health-care costs is to compare the increase in per-capita health-care costs over a period of time. The per-capita health-care cost for a given year is the total amount of money spent on health care that year, divided by the number of people in the country that year. That is, the per-capita health-care cost is the cost per person of health care in the United States.

Note: When we compare amounts of money for different years, it is necessary to take into account the fact that inflation makes dollars worth less as time goes on. In order to account for this fact, we pick a standard year--in this case 1967--and change the dollar figures for other years to show how much the costs would have been if the dollar had been worth as much in those other years as it was worth in the standard year, i.e., if there had been no inflation.

In 1967 prices, the per-capita cost of health care in the United States in the year ending June 30, 1973, was $324.22; and the per-capita cost of health care in the year ending June 30, 1950--23 years earlier--was less than one third that amount: $104.94. That is, without any change in the value of the dollar, the cost of health care per person in the United States more than tripled in 23 years.

Another thing about health-care costs which is changing is the source of the money that pays the costs. The majority of health-care costs has long been paid for by consumers, either out of their own pockets or out of benefits they have received from health insurance. The next largest chunk of health-care costs is paid for by local, state and federal governments. The remainder is paid for by philanthropic organizations and other sources. Figure 1 shows the changes in the proportions of health-care costs paid by these sources between 1950 and 1973.

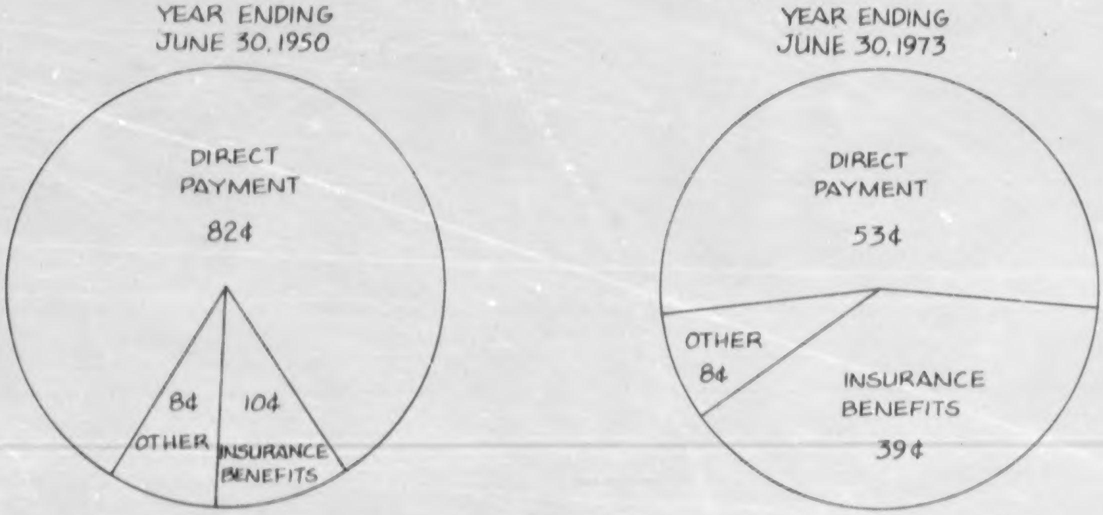
FIGURE 1: Where the Health Dollar Came From



As the figure shows, the proportion of the health dollar paid by government increased by almost half over that 23-year period.

As we mentioned above, the consumers do not pay all of their share of the health dollar directly, out of their own pockets; they pay some of it with money they get from health-insurance benefits. Figure 2 shows changes in the proportions of the consumer's health costs paid for by consumers directly, paid for by health-insurance benefits and paid for by other sources. (These figures do not include any health costs paid for by governments. They also do not include any money paid by consumers directly for medical research or for the construction of health care facilities.)

FIGURE 2: Who Paid the Consumer's Health Dollar

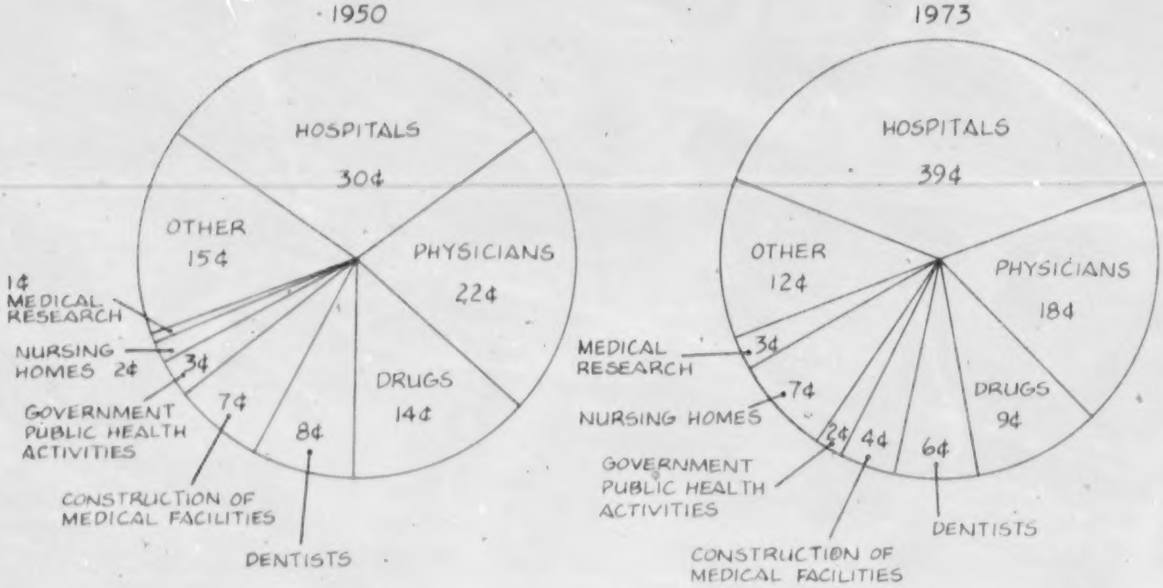


As the figure shows, the proportion of the consumer's health cost that was paid for by insurance benefits increased almost four times over that 23-year period. As you will see later in this reading, some observers believe that this fact--the increase in health-insurance benefits--is partly responsible for the increase in the total per-capita health costs of the United States during this 23-year period.

So far you have seen some changes in the answers to the question, "Where does the health dollar come from?" An increasing part of it has come from government; and in the part that does not come from government, an increasing part has come from health-insurance benefits.

There have also been some changes in the answers to the question, "Where does the health dollar go?" Figure 3 shows changes in the proportions of the nation's health dollar which go for hospital bills, doctors' bills, drugs and several other types of expense. (The "other" category in Figure 3 includes the services of private-duty nurses and several other kinds of health-care providers; eyeglasses, artificial limbs and other appliances; administrative expenses for government health programs; and other health services not included in any of the categories named. Each of these things takes up less than 5¢ of the total health dollar.)

FIGURE 3: **Where the Health Dollar Went**



Of the categories shown in the figure, the proportion of the nation's health dollar that goes to hospitals has increased by almost one third, and the proportions for research and for nursing homes have tripled. The proportions going to all other categories have decreased. (Note that this does not mean less money was spent on these other categories; in fact, far more money was spent. But the share of the health dollar that went to these other activities decreased, while the share that went to hospitals, nursing homes and research increased.)

Now that you have some idea where the health dollar comes from and where it goes, let us return to the fact that we started off with: health-care costs are increasing. Recall that in a 23-year period, from the year 1949-50 to the year 1972-73, per-capita health-care costs in the United States more than tripled. Why? Several reasons have been suggested. Some of them are outlined below.

INCREASE IN USAGE:

Americans are using more health care per person than ever before. One reason they are doing so is that an increasing proportion of them can get cheap or free health care because they have health insurance. The proportions of the population covered by private health insurance companies, bu Blue Cross-Blue Shield plans and by government programs such as Medicare have all increased. When people get more health insurance, they are likely to use more health care, because they can afford more. Even if there were no inflation and the population were not growing, the continuing increase in health-insurance coverage would produce an increase in the usage of health care, and therefore an increase in the amount of money spent (in this case, spent by insurance companies and governments) on health care.

INCREASE IN PRICES:

A large part of the increase in total health-care costs is due to increases in the prices paid for health care. Even taking into account the fact that a dollar buys less as time goes on, the prices people pay for health care are going up. The following paragraphs outline some reasons for the increases in three areas: hospital bills, doctors' bills and insurance.

Hospitals: There are two main reasons for increases in the prices charged by hospitals.

1. Improving Services: Patients in hospitals have access to better and more expensive equipment, to more and better-trained personnel and to more, and more costly, comfort services such as telephones and television sets.

2. Increasing Wages: In most industries, the amount of money paid out in wages to workers averages about 30% of the total cost of running a business. However, wages account for 60-70% of the cost of running a hospital. The high cost of wages in the hospital business is accounted for by the fact that there are about three employees in a hospital for every patient. The wages hospitals must pay to their workers increase mainly for two reasons: because the cost of living is increasing and employees therefore need higher wages just to stay even; and because hospitals are using increasingly highly trained, and therefore increasingly expensive, workers. The increasing wages are paid by the hospital, but the hospital gets the money either from the patients directly or from insurance companies or government programs.

Doctors: Physicians' fees have not increased as fast as hospitals' prices, but they have increased. In 1973, the median income* of all self-employed medical doctors in the U.S. was about $42,000. (This was their median income after payment of tax-deductible professional expenses, including malpractice-insurance premiums, but before payment of taxes.) In 1959 the median income for self-employed medical doctors was $22,100. If we correct for inflation by reducing these median incomes to 1967 prices, we find that the median income for doctors increased by about 25% during this 14-year period. That is, during that period doctor's prices went up about one fourth again as fast as the cost of living as a whole.

One reason for the increase in doctors' fees is that doctors are a scarce resource. There is a steadily increasing number of doctors; in fact, the number of doctors is increasing faster than the population. However, the number of doctors is not increasing as fast as the demand for their services is increasing. In general, when the supply of some product is relatively steady and the demand is rising, the price rises too.

Another aspect of the doctors' price rise is that doctors themselves have a great deal of influence over the demand for their own services. Unlike most professional people, they are in a position to increase the demand for their own services. The reason this is so is that one of the main ways in which a person finds out he needs a doctor is by having a doctor tell him so. The demand for specialists(e.g., surgeons) is especially open to this kind of influence. The more highly specialized the physician's service, the less likely it is that the patient will be able to decide independently whether he needs the service. Furthermore, the more highly specialized the physician's service, the more the service costs (in general). And the proportion of doctors who are specialists has been increasing for several years.

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*The median income for a group of people is the income that divides the group in half. For example, a median income of $42,000 for doctors in 1973 means that in 1973 half the doctors made less than $42,000 and half the doctors made more.

Insurance: In 1970 nearly 85% of Americans had insurance to cover hospital costs. Nearly 80% had insurance to cover the costs of surgery. Both these figures have increased dramatically since 1950. Some critics have charged that persons with these forms of health insurance go to the hospital more often, and get more surgery, than they need to. Supporters of health insurance argue that persons with health insurance are simply getting health care they always needed; before they had insurance, they needed the care but they couldn't afford it. In either case, the spread of health insurance increases the health-care costs of the nation as a whole by reducing the health-care costs of more and more individuals: as more people can afford health care, more health care is demanded and delivered, and someone has to pay the bills.

Of course, it is the people who buy the insurance who ultimately pay the bills. The reason they buy the insurance is that they might need very expensive health care and, if they do, they would rather pay the relatively small cost of insurance premiums over a long period of time than have to pay the large cost of expensive health care all at once. However, as people who have health insurance demand more health care, it becomes necessary for health-insurance companies to pay out more money in insurance benefits. As the amount of benefits paid per customer increases, it is necessary for the insurance companies to raise the premiums the customers pay for the insurance. Therefore, to the extent that health insurance causes individuals to increase the amount of health care they get, it also causes the insurance companies to increase the amount of money they charge the people who buy the insurance.

CONCLUSION:

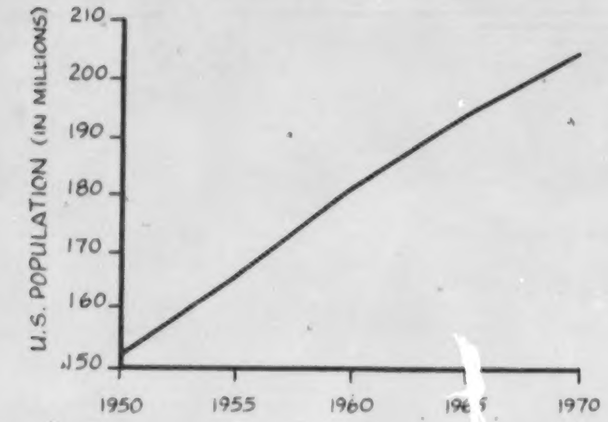
Health care is increasingly costly to the nation as a whole, and increasingly expensive to individuals. The reasons are complex, but the result is undeniable.

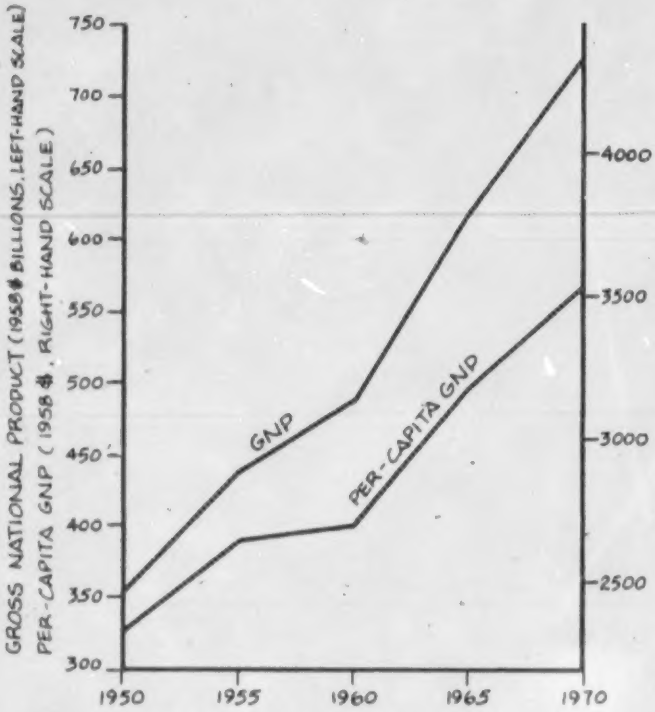
SOME DATA ON THE HEALTH-CARE SYSTEM, 1950-1970

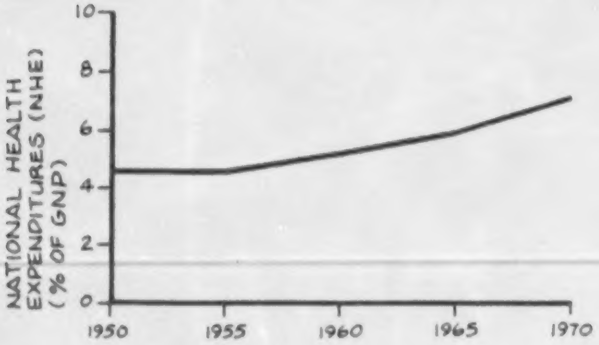
	1950	1955	1960	1965	1970
U.S. Population (thousands)	152,271	165,931	180,671	194,303	204,878
Gross National Product (GNP, 1958 $ billions)	355.3	438.0	487.7	617.8	722.5
Per-Capita GNP (1958 $)	2,342	2,650	2,699	3,180	3,526
National Health Expenditures (NHE), % of GNP	4.6	4.6	5.2	5.9	7.1
Per-Capita NHE (1967 $)					
Total (except research and construction)	104.94	125.02	154.45	198.50	279.52
Hospital Care	34.54	43.69	55.76	72.81	113.23
Physicians' Services	24.63	27.32	34.86	46.80	59.03
Drugs and Drug Sundries	15.48	17.66	22.42	25.96	30.57
Government Public-Health Activities	3.23	2.79	2.54	3.74	6.47
% of NHE Paid by Governments	27.2	25.7	24.7	24.9	36.9
Hospital and Health Expenditures as % of Total Government Expenditures	3.98	3.07	3.44	3.75	4.08
Medical Care as % of Personal Consumption Expenditures	4.6	5.0	5.9	6.5	7.7
% of Private Consumer Health Expenditures Paid by Private Insurance					
Total	12.2	21.7	27.8	32.6	38.5
Hospital Care	37.1	56.0	64.7	71.2	77.9
Physicians' Services	12.0	25.0	30.0	32.8	43.8
% of Population Covered by Private Insurance for Selected Expenses					
Hospital	50.7	--	72.3	77.1	84.9
Surgical	35.8	--	65.2	71.6	79.4
Hospital Beds per 1,000 Population	9.6	--	9.3	8.9	8.0
Hospital Occupancy Rate, %	86.0	--	84.6	82.3	80.3
Hospital Admissions per 1,000 Population	110	125	136	146	152
Hospital Expenses per Patient Day (1967 $)					
Total Expenses	11.07	14.01	18.56	26.76	46.39
Payroll Expenses	6.64	8.98	12.31	17.67	28.51
Payroll as % of Total	60	64	66	66	61
Selected Health-Care Providers per 100,000 Resident Population					
Nurses	249	259	282	319	345
Physicians	149	150	148	153	166
Dentists	50	47	47	45	47

Source: Statistical Abstract of the United States, 96th ed. (October 1975).

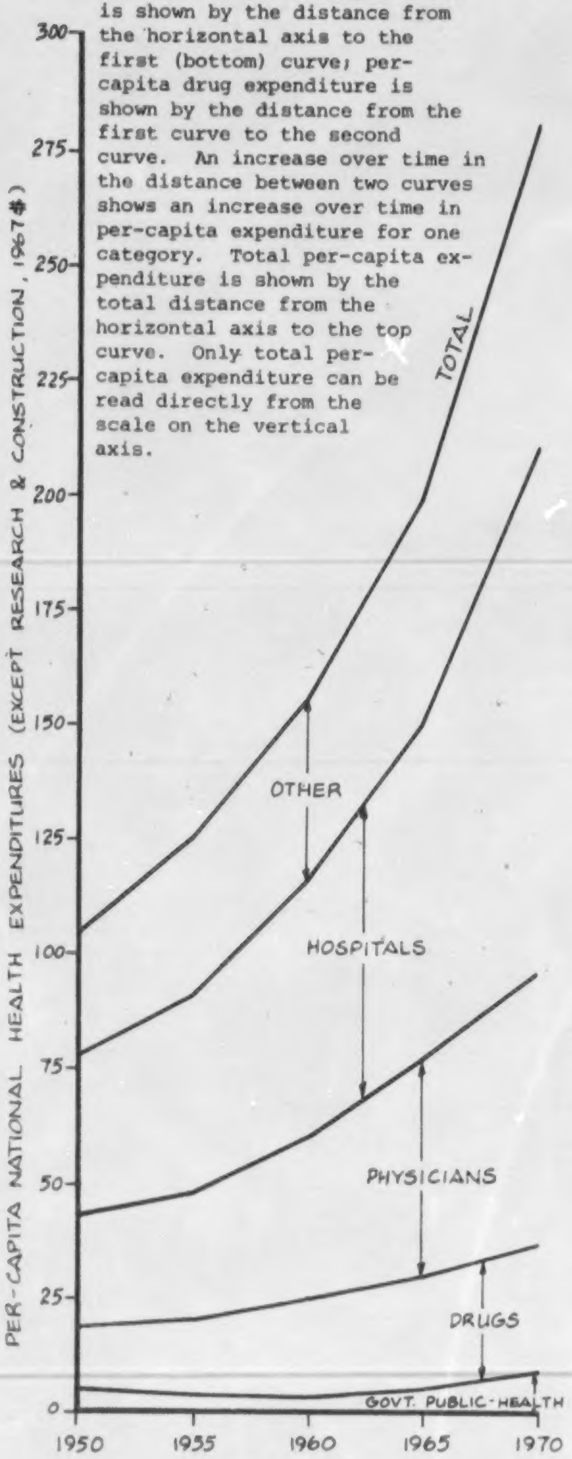
SOME DATA ON THE HEALTH CARE SYSTEM, 1950-1970

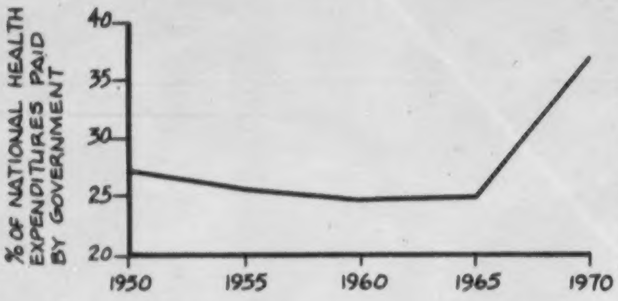


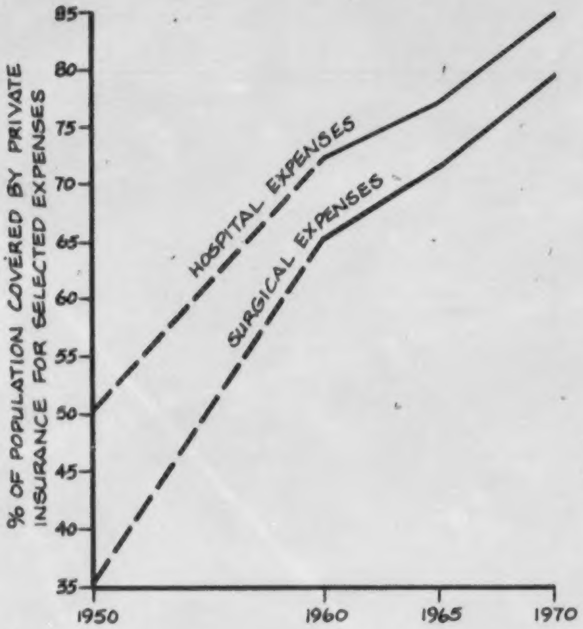


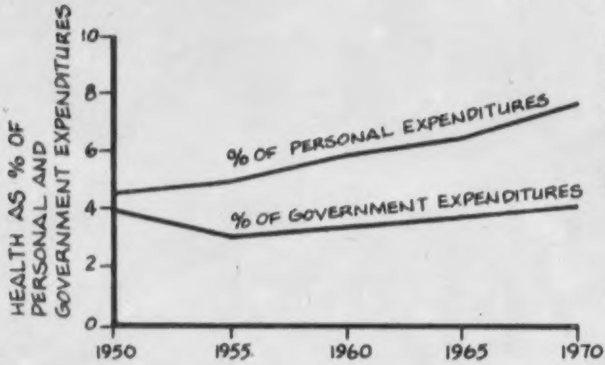


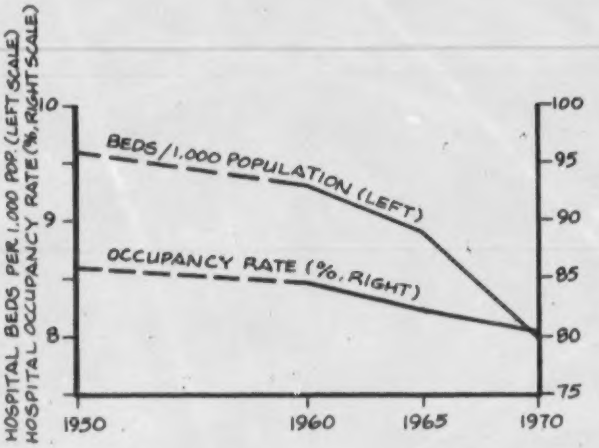
In the figure below, per-capita expenditure for each category is shown by the vertical distance from one curve to the next. E.g., per-capita government public-health expenditure is shown by the distance from the horizontal axis to the first (bottom) curve; per-capita drug expenditure is shown by the distance from the first curve to the second curve. An increase over time in the distance between two curves shows an increase over time in per-capita expenditure for one category. Total per-capita expenditure is shown by the total distance from the horizontal axis to the top curve. Only total per-capita expenditure can be read directly from the scale on the vertical axis.

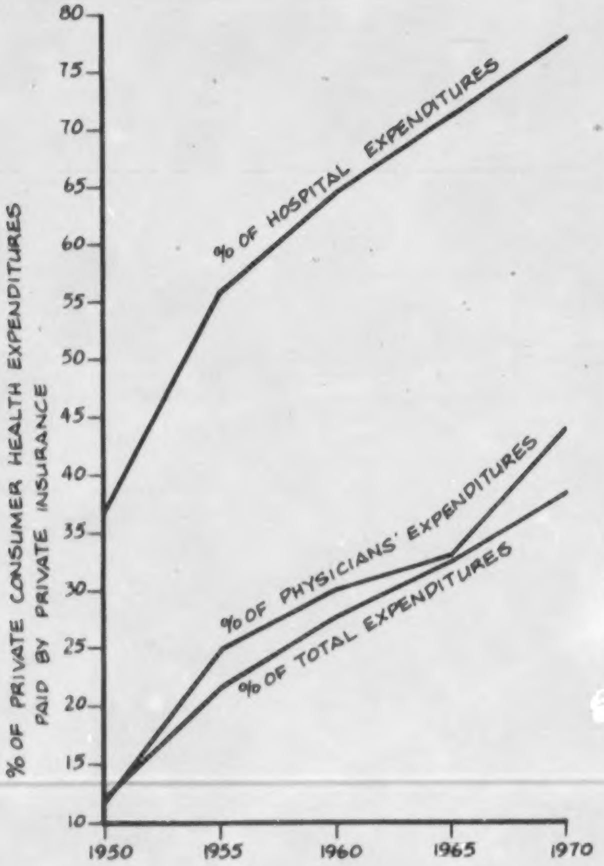


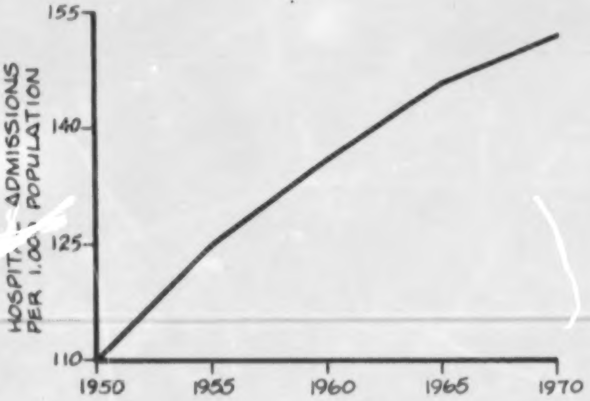

% OF NATIONAL HEALTH EXPENDITURES PAID BY GOVERNMENT
40
35
30
25
20
1950
1955
1960
1965
1970

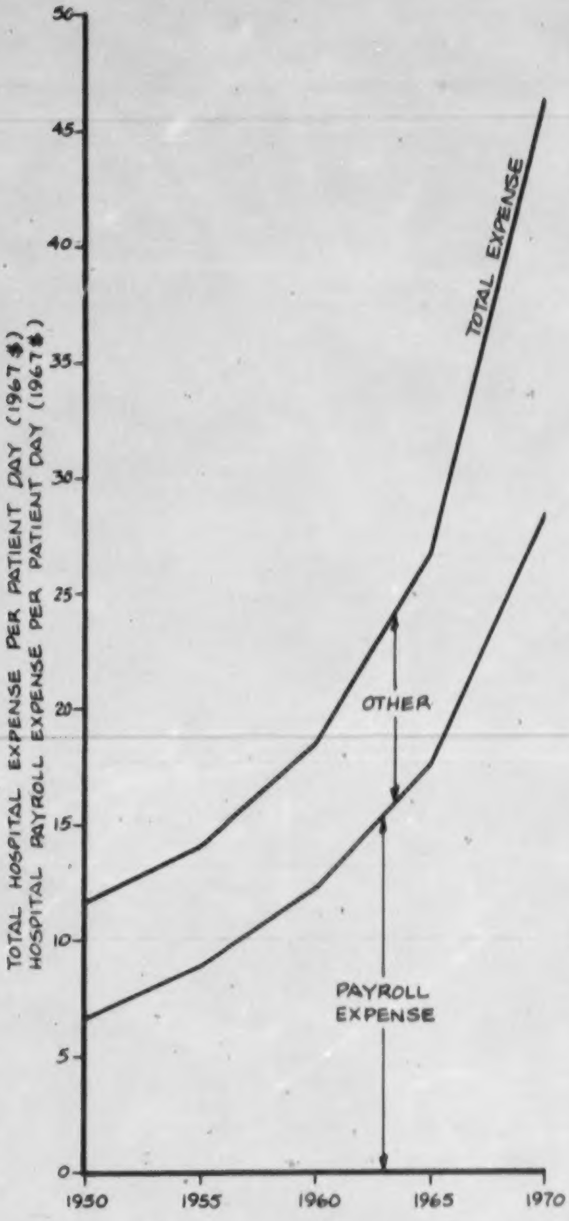

% OF POPULATION COVERED BY PRIVATE INSURANCE FOR SELECTED EXPENSES
85
80
75
70
65
60
55
50
45
40
35
HOSPITAL EXPENSES
SURGICAL EXPENSES
1950
1960
1965
1970

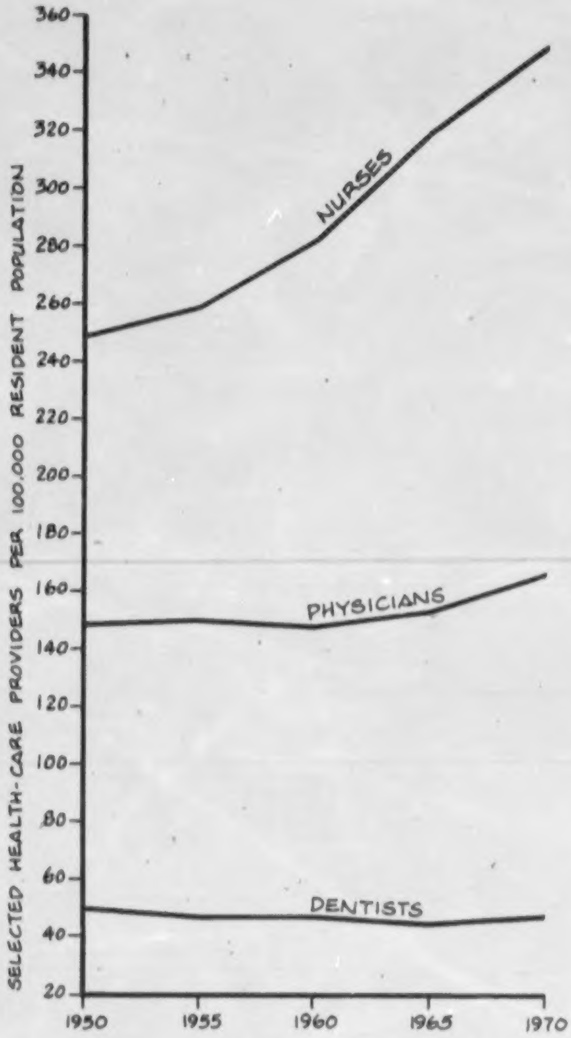

HEALTH AS % OF PERSONAL AND GOVERNMENT EXPENDITURES
10
8
6
4
2
0
% OF PERSONAL EXPENDITURES
% OF GOVERNMENT EXPENDITURES
1950
1955
1960
1965
1970


HOSPITAL BEDS PER 1,000 POP. (LEFT SCALE)
HOSPITAL OCCUPANCY RATE (%, RIGHT SCALE)
10
9
8
100
95
90
85
80
75
BEDS/1,000 POPULATION (LEFT)
OCCUPANCY RATE (%, RIGHT)
1950
1960
1965
1970


% OF PRIVATE CONSUMER HEALTH EXPENDITURES PAID BY PRIVATE INSURANCE
80
75
70
65
60
55
50
45
40
35
30
25
20
15
10
% OF HOSPITAL EXPENDITURES
% OF PHYSICIANS' EXPENDITURES
% OF TOTAL EXPENDITURES
1950
1955
1960
1965
1970


HOSPITAL ADMISSIONS PER 1,000 POPULATION
155
140
125
110
1950
1955
1960
1965
1970


TOTAL HOSPITAL EXPENSE PER PATIENT DAY (1967 $)
HOSPITAL PAYROLL EXPENSE PER PATIENT DAY (1967 $)
50
45
40
35
30
25
20
15
10
5
0
1950
1955
1960
1965
1970
TOTAL EXPENSE
OTHER
PAYROLL
EXPENSE


SELECTED HEALTH-CARE PROVIDERS PER 100,000 RESIDENT POPULATION
360
340
320
300
280
260
240
220
200
180
160
140
120
100
80
60
40
20
1950
1955
1960
1965
1970
NURSES
PHYSICIANS
DENTISTS

MARKET FORCES AND THE HEALTH-CARE SYSTEM

Why are drugs so expensive? Why aren't there more dentists? Why are there so few doctors in some parts of the country? Why are some health-care services so hard to find?

These questions and the answers to them are related to social arrangements called markets. The relationships between the buyers and sellers of a particular product make up the market for that product.

Before examining the health-care market, consider some simpler examples. The same sorts of questions about health care that began this reading can also be asked about other kinds of products: Why is food so expensive? Why isn't more land used for parks instead of parking lots? Why isn't your house in another part of town? Why are some of the things you want to buy so hard to find in stores? These are questions about markets in your community.

No matter where you live, it is likely that a great many products (goods and services) are available in your community. (Goods are objects or substances, such as clothing or gasoline; services are things people do, such as putting the gasoline in your car or cleaning your clothes. Products include both goods and services.) To see how many products are available, leaf through the yellow pages of your local telephone directory. Why are all these products available to you? Many of the goods you can buy are grown or manufactured hundreds or thousands of miles away, some even in other countries. What brought them to your community?

Think about just one store in your community--one you go to often to buy goods or services. Why is this particular store located in your town? One of the most important reasons is likely to be profit. Most businesses exist to make money for their owners.

What determines whether this store can make a profit? The answer lies in the market for the product the store sells. The market includes two important parts: the supply of the product and the demand for the product. The interaction of supply and demand affects the price of the product and the amount of it that can be sold, which in turn affect the profits.

To see how supply and demand affect the presence of a business in your town, consider the following situation. Suppose that, in your community, there are many people who enjoy bowling, but there are no facilities for bowling: there is some demand for bowling facilities, but there is no supply close at hand. Suppose that there is also a developer who could bring in the necessary resources to build a bowling alley in your community. In this situation there are potential buyers, who would be willing to pay money for bowling facilities if they liked the facilities, and there is a potential seller, who would be willing to build and operate bowling facilities if he thought he could make a profit. If there are enough potential buyers (i.e., frustrated bowlers) with enough money to spend, and if the nearest bowling alley is far enough away, the developer will build the bowling alley. Or, in slightly more technical language, if there is a large enough demand and a small-enough supply, someone will set up a business to sell the product and thus increase the supply.

Of course, there are conditions under which no bowling alley will be built. One sort of condition that would discourage the developer would be low demand; too few bowlers, or bowlers who are too poor, to make a bowling alley profitable. The other sort of condition that would have the same effect would be a relatively large supply: a very attractive bowling alley near your community which would continue to draw a large proportion of the bowlers in your community, even if there were a new bowling alley right in town.

As you can see from these examples, an important part of the demand for a product is how much the individual buyer is willing to pay for the product. A market in which there are many buyers may present a higher demand than a market with few buyers. But what if the market with fewer buyers includes people who are willing to pay more for the same product? Suppose, for example, that the bowling-alley developer has a choice between two communities in which to build: one with a large number of relatively poor bowlers, and another with a small number of relatively wealthy bowlers.

He may decide to build near the market that has fewer bowlers, if he thinks they will be willing to pay high-enough prices.

Supply and demand, or market forces, operate not only in small areas such as your community, but also in the country as a whole. Consider, for example, the fact that in 1973 Americans spent almost one hundred billion dollars on health care. That is a large amount of money, but it is only about 7.7% of the total value of all goods and services the American economy produced during the same period. Market forces account, in part, for the fact that the percentage spent on health care was no larger--and no smaller--than it was.

As another example, consider the fact that in 1971 58.7% of all health care expenditures went to hospitals and doctors, and only 2.4% went to research. Again, market forces account for the fact that these percentages were not different--that Americans did not spend more of their health care money for research and less for hospitals and doctors.

However, the market for health care is not as easy to explain as some other, simpler markets. The health-care market has some peculiar features which tend to make prices rise faster in this market than in other markets.

Inflation, or the rise in prices, occurs in practically every market. Its causes are complicated, but its effect is familiar: things get more expensive. Inflation affects the cost of health care just as it affects the cost of everything else. Part of the rise in prices in the health-care market is caused by the same inflationary pressures that cause prices to rise in other markets. The point here is that inflation does not account for all of the rise in prices in the health-care market; only some of it. Other things account for the rest.

How much of the rise in health-care prices is explained by inflation? One way of answering this question is to look at the Consumer Price Index (CPI) for the health-care market and compare it with the CPI for the economy as a whole. The CPI reflects the average amount of money that consumers (i.e., buyers) spend for the goods and services they buy. If, over time, they have to spend more money to get the same goods and services, the CPI rises.

Separate CPI's are calculated for separate markets, such as health care, food, clothing, housing and transportation. There is also a combined CPI, reflecting the prices all Americans pay for everything they buy in all markets.

Between 1960 and 1972, the CPI for all markets increased by 37%. That is, what cost Americans $1.00 in 1960 cost them, on the average, $1.37 in 1972. This increase in the CPI indicates the level of inflation in the economy during the period 1960-72.

During the same period, however, the CPI for health care went up 53%. That is, health care that cost $1.00 in 1960 cost, on the average, $1.53 in 1972. A 37% increase can be blamed on inflation. But the remaining 18% increase must be explained by the unique features of the health-care market.

Some of these features are described below.

1. There is little competition. In other markets, people shop around for the best prices on equivalent products. But people don't shop around as much for health care. A patient is likely to be referred by his physician to a particular hospital, perhaps because the physician is affiliated with that hospital or because the hospital provides specialized services which the doctor believes the patient needs. The patient does not shop around for the cheapest hospital and tell his physician to treat him there.

There is also relatively little competition in the drug market. Some prescription drugs are cheaper in one pharmacy than in another, but most people do not take advantage of the difference. In addition, brand-name drugs are often several times as expensive as the chemically identical "generic" drugs, which are not advertised in medical journals. If a doctor prescribes a brand-name drug, the patient may have to pay several times as much money as he would have paid for the generic equivalent.

In general, when a person needs health care, the price is not the uppermost thing in his mind; what is happening to his body is more important. Moreover, there is often little time to make a decision. Shopping for health care, in most people's minds, is very different from shopping for groceries or clothes.

2. Payment is often indirect. Because much of the cost of health care is covered by health insurance, the consumer does not always have to pay directly out of his pocket for the health care he receives. If there were no health insurance--if all health-care costs had to be paid directly by the patient--many people might be inclined to look for lower prices or to cut back on the amount of care they receive. However, because health insurance is so widely available, people often seek more, rather than less, health care, and they are willing to select more expensive rather than cheaper health care.

3. Supply lags behind demand. In most markets, when demand for the product increases, the supply increases too. If more and more people are willing to spend more and more money for the product, businessmen will calculate that they can get a share of that money by going into business and selling that product. Eventually, the supply will increase to the point where it balances the demand: the amount of money people are willing to pay (i.e., the prices of the product) will level off.

But in the health-care market things are not quite so simple. The reason is that the "product" takes a long time to develop and make available. It is not possible for the supply of health care--particularly the supply of the services of health-care providers--to respond quickly to changes in demand. Such things as increasing health-insurance coverage and rising incomes may cause a large increase in the demand for health care in a short time--say, one year. But it is not possible to bring about an increase in the supply of health-care providers on one year's notice, simply because it takes years to train the providers. As a consequence, the demand increases faster than the supply, and prices go up.

SOME QUESTIONS ABOUT THE COST OF HEALTH-CARE DELIVERY

There are a number of reasons for the fact that health-care delivery is becoming more expensive. You have been studying some of these reasons, and considering what might be done to help control rising costs. Later you will consider alternatives to our present method of allocating health-care resources. Before you do that, there are some questions that you should consider. These questions are controversial. That is to say, people have differing and often conflicting opinions about them. Spend a few moments considering each of the questions that follow. Then select one that interests you and decide what your answer to the question would be.

Prepare yourself to defend your answer. Gather as much evidence as you can, and decide whether you have a good argument in support of your position. During the next class discussion you may be asked to state your answer to the question and the reasons you have for answering as you do. What value principles are you accepting when you answer as you do? Do you accept those same principles in other situations? Do you think some people may have good reasons for not accepting those value principles?

1. Does the increasing number of lawsuits for medical malpractice mean that health-care professionals are guilty of increasing malpractice, or are consumers taking advantage of sympathetic judges and juries? (One reason for the increase in doctors' fees is the rising cost of malpractice insurance. This insurance costs more because insurance companies have had to pay out more in damages. This could mean that there is a great deal of malpractice, and patients are finding it easier to sue health professionals successfully. On the other hand, it could mean that people are suing more for everything and, with the rise in consumer concern, courts are increasingly likely to favor the consumer.)

2. Are physicians' incomes too high? (It can be argued that a physician spends many years in preparation and that his or her task is a very difficult one, requiring long hours and much emotional stress. Yet it can also be argued that other people spend many years in preparation and have equally difficult tasks, but make far less money. It can be claimed that physicians are extremely important to

society. On the other hand, other jobs are also important. Should income be based upon the importance of a job? How should "importance" be measured?)

3. Is the cost of health care higher than it needs to be due to a lack of competition? (There are many dimensions to this question. Do physicians prescribe brand-name drugs when they could prescribe drugs by generic name? If so, why? Should health-care facilities advertise their services and the prices they charge? Is competition unwise because the consumer may choose the lowest price, or substitute a less adequate service, rather than relying on the advice of a trained professional?)

4. Are health-care expenditures rising in part because there are so many specialists, and these specialists do more than is necessary? (Patients usually rely on the advice of their physicians. How can they know whether they need to see specialists? Do specialists recommend treatment or operations because they want to increase their income, or because they believe their diagnosis is correct? It may be that, because health care is such a complex matter, more specialists are needed. Or it may be that fewer specialists are needed because there are too few generalists.)

5. Are health-care resources devoted too much to treatment of illness and too little to prevention of illness? (Recall the debate over spending money for the nuclear-powered heart earlier in this unit. Should more funds be allocated to prevention, or is prevention the responsibility of the individual? Possibly health care would cost less total money if preventive programs were more widespread. But since prevention involves nutrition, life-style and other complex factors, it may be that the health-care facilities are being used for their most appropriate purpose--treating illness when it occurs.)

6. Is health care a right that should be available to everyone, or should it be based upon ability to pay? (Are there other services that are obtained on the basis of ability to pay? If everyone were granted equal rights to health care, would this mean that new and expensive treatments should not be developed because too many people would demand access to them? What are the obligations of the government to its citizens in the matter of health care?)

A PROPOSED CHANGE IN THE ALLOCATION OF HEALTH-CARE RESOURCES

A citizens' group has formulated a proposal for complete reorganization of the society's health-care system. The main points of the proposal are described below. You will be asked to evaluate the proposal in two ways. (1) Is it possible? Could it be adopted? (2) Is it right? Should it be adopted?

A. Decision-Making Authority: All decisions regarding the allocation of health-care resources are made by a new governmental body called the National Health Board. This Board is to be representative of the society as a whole. The Board's members may be either elected on the basis of one man, one vote (like the members of the House of Representatives), or appointed by the President of the United States and confirmed by both houses of Congress. In either case, a majority of members of the Board must be persons who are not and have never been employed in health care research, training or delivery.

The citizens' group presents the following argument for this allocation of authority: Society's medical knowledge and technology should be considered the property of the whole society. It should not be controlled by particular individuals or groups in society (e.g., doctors, hospitals and medical schools). Instead, it should be controlled by a body that represents the society as a whole. In our society, such a body is usually composed either of elected representatives or of persons appointed and confirmed by elected representatives. The federal government already has similar arrangements for decision-making about other things that are considered the property of the society as a whole, such as national forests, air space for aviation, and the radio and television broadcasting "air."

B. Decision-Making Criteria: The National Health Board operates under a charter that sets forth its main criteria and priorities for decision-making. These are as follows.

1. Allocation of Resources in General: The primary criterion is that health-care resources should be allocated so as to produce the greatest possible benefit for the whole society. The citizens' group identifies two applications of this primary criterion.

a. Limited and Non-Renewable Resources: These resources (such as organs that can be transplanted) are to be allocated to those individuals in society who have the greatest potential for benefiting the society as a whole through their work. The National Health Board will apply the criterion in particular cases. For example, the Board may need to decide whether a great novelist or a great biologist, both with equal numbers of productive years left to them, has the greater potential for benefiting society.

b. Expandable and Renewable Resources: These resources (such as machinery and manpower) are to be allocated equally among all members of society who need them. If there is not enough of one such resource to go around (e.g., not enough RN's) then the National Health Board is responsible to expand the supply of the resource.

2. Allocation of Costs: The primary criterion is that the burden of paying for health care should fall equally on all citizens. The citizens' group explains that this does not mean every citizen should pay the same amount of money; rather, it means that every citizen should "feel the pinch" to the same degree. Therefore, persons below the "poverty" income level will pay nothing toward health care. Persons above this level will pay a progressive income tax. No citizens will pay anything directly to health care providers; all providers will be paid by the National Health Board out of funds it gets from income taxation.

3. Targets for Research and Development: Part of the responsibility for allocating health-care resources is the job of deciding what questions people should research. The National Health Board's first priority for research is prevention of disease. The Board is not to spend money to find ways to cure a disease until it is fully satisfied that no amount of research will produce a method of preventing that disease. (For example, no more money is to be spent for heart-transplant research until the Board believes that no more fruitful research can be done on ways of preventing heart disease.)

4. Allocation between Research and Delivery: Another part of the responsibility for allocating health-care resources is the job of deciding how much money should be spent on delivery of health care and how much should be spent on research. The National Health Board's first priority is to provide equal and adequate preventive health care for all citizens. The Board must decide in particular cases whether it should use its money for such things as training more doctors and building more computers, or for such things as researching the causes of diseases so that means of preventing them can be found. Of course, many kinds of research will later lead to expansion of delivery. The board's criterion for dividing money between "delayed payoff" research and immediate expansion of existing resources is that it must produce the greatest possible benefit for the whole society in the long run (i.e., over a period of 50-75 years).

5. Recruiting and Distribution of Manpower: The National Health Board is responsible to recruit, train and put to work all persons who provide health care. The Board is responsible to fill not only jobs in health care delivery, but also jobs in health research and jobs teaching and training health-care providers. In all these areas of work, the Board is responsible to see that there are enough workers, that the workers are working in the careers most needed by society and that they are working in the locations where they are most needed. The Board's first criterion for recruiting and distributing manpower is to give all citizens equal and adequate access to preventive health care.

C. Powers: In order to carry out its responsibilities the National Health Board has the following authority.

1. The Board can use the money raised by income taxation in any amount it deems necessary, up to 10% of the Gross National Product. If this requires an increase in tax rates, the Board has the power to authorize such an increase. The ceiling on the Board's budget may be raised by Congress.

2. The Board has the power to license all health-care professionals (including researchers and teachers) and to accredit all health-care delivery organizations (clinics and hospitals) and training institutions (medical schools, nursing schools, etc.). The Board may use its licensing and accrediting powers to control the allocation and distribution of health-care resources.

3. The Board has the power to build clinics, hospitals and research and training facilities in order to promote equal and adequate distribution of preventive health care for all citizens.

4. The Board has the authority to finance training of health-care providers (including researchers and teachers) and to offer additional money incentives, in order to promote the expansion and distribution of health-care manpower.

5. The Board has the power to assign individual health-care providers (including researchers and teachers) to particular geographical locations. It may use money incentives to encourage voluntary relocation. It may revoke the license of any health-care provider who refuses an assignment.

AN ALTERNATIVE PROPOSAL FOR HEALTH CARE

A second citizen's group has formulated another proposal for changing the society's health-care system. The proposal is outlined below. You will be asked to evaluate this proposal in two ways: (1) Is it possible? Could it be adopted? (2) Is it right? Should it be adopted?

The group proposes that all levels of government, from city governments up to and including the national government, withdraw completely from all activities that have to do with health care. The argument for this proposal is that health care is not the business of government. Neither health nor health care is mentioned in the Constitution or elsewhere in the writings of the Founders as a right of citizens or as a proper function of government. Everything having to do with health should therefore be left up to private individuals and groups, without government interference. There should be no health bureaucracy.

A. Research: No government agency is to spend any money on research into drugs, equipment or procedures for use in the prevention, detection, diagnosis or treatment of disease of any kind.

B. Education: No government agency is to spend any money either on the training of health-care providers or on the health education of citizens in general. No government agency is to be involved in the accreditation of schools for doctors, nurses, dentists, veterinarians or any other health-care providers, and no government agency is to be involved in the licensing of any health-care providers.

C. Drugs: No government agency is to be involved in the testing of drugs, the approval of drugs or the regulation of their manufacture and distribution. No government is to pass or enforce any law relating to any drug that has any conceivable application in health care.

D. Facilities: No government is to own, or to be involved in the management of, any clinic, hospital, or research or training facility. All such facilities presently owned by governments are to be sold to the highest bidder. All government regulation of such facilities is to cease.

E. Services: No government agency is to be involved in the providing of health care to anyone for any reason. There are to be no programs for providing health care to children, old people, the poor, the handicapped, veterans or anyone else. All governmental agencies presently engaged in providing such services are to be disbanded and their possessions sold to the highest bidder.

F. *Public Health*: No government agency is to be involved in the making or enforcing of any public-health regulations such as those for control of infectious diseases, environmental pollution, sanitation or cleanliness in public places. No government agency is to be involved in any way in the production, processing, packaging, labeling, distribution or retailing of foods, except for the regulation of prices to stabilize the economy.

G. *Insurance*: No government agency is to be involved in any sort of health insurance for anybody.

H. *Taxation and Regulation*: All health-related enterprises, including facilities for research, training and the providing of care, are to be taxed as business. No such enterprise is to be regulated by any government agency. All disputes within such enterprises, and between them and their clients, are to be handled as ordinary civil suits in the courts.

I. Labor-Management Relations: All health-care providers and trainees are to be allowed to form and join unions, and the unions are not to be regulated or interfered with in any way differently from other unions. All such unions are to be free to negotiate with employers (research and training facilities, clinics and hospitals, private practitioners) on wages, hours, fringe benefits and working conditions, to strike, and to organize under the same laws that apply to any other union. However, no such union is to receive any money from any government or to perform any function in government.

INTEREST GROUPS AND POLITICIANS: PRACTICAL POLITICS

Your class has been discussing some (imaginary) national health-care proposals, particularly the questions whether these proposals *could* be adopted and whether they *should* be adopted. If such a proposal were adopted, it would have to be adopted by the federal government. That is, the Congress would have to approve of it, the President would have to approve of it (unless the Congress could pass it over the President's veto) and the courts would have to decide any disputes over its Constitutionality.

How do people in government go about making their decisions on a matter such as this? How does a member of Congress, for example, decide which way to vote on a national health-care proposal? This reading will provide you with a partial answer--not a complete one--to that question.

One thing that is *not* discussed in this reading is the influence of a politician's party on his vote. Party influence is a complicated matter. It is important, but it is not the only influence on a legislator's vote.

In the American system of government, a politician who holds a seat in the House of Representatives or in the Senate has two sets of obligations, which sometimes conflict. The politician is obligated to represent his constituents, the people who elected him to office. At the same time, the politician is obligated to decide what is in the best interest of the nation as a whole. It sometimes happens that a politician believes one thing is good for the country, and his constituents prefer another thing. For example, a politician may think that a particular health-care proposal would be best for the country, but he may also be aware that a majority of his constituents do not like that particular proposal. When that happens, the politician's two sets of obligations are in conflict.

When the politician's obligations are in conflict, there is usually a number of things he can do. He can try to change his constituents' minds; he can support the measure he thinks is best and hope that the constituents will ignore it or re-elect him next time anyway because they agree with him on other issues; he can vote the way his constituents want him to vote and hope that he will be re-elected to fight another day; or he can try to avoid the issue and thus avoid both doing something he thinks would be bad for the country and doing something he thinks would be bad for his political career.

Note that not all politicians find themselves in these situations. Not all politicians believe that they really have two conflicting sets of obligations.

Some believe that the obligation to represent their constituents' views is more important than the obligation to exercise their own judgment as to what is best for the country. Others believe that they have been elected because their constituents respect their judgment, that their constituents have faith in them as individuals who are able to decide what is in the best interest of the nation, and that their most important obligation is therefore to make up their own minds as to what is the best thing to do.

The decisions politicians make are affected not only by political parties, by voters and by the politicians' own ideas about what is best for the country, but also by interest groups. Interest groups are groups of people or groups of organizations which have certain interests in government. That is, government can do some things that will help them and some things that will hurt them. These groups often spend a lot of time and money trying to influence government to do what is in their interest: to do what will help them, and not what will hurt them.

An interest group has "constituency" of its own, but its constituency is not a Congressional district or a state; it is a group of people who have something in common (the kind of work they do, their race or ethnic origin, their sex, their lack of money or their particular health care needs, for example). Because they have something in common, they have a common interest. For example, people who work as employees of hospitals have a common interest in keeping hospital wages up. For another example, people who pay for their health care out of their own pockets have a common interest in keeping hospital charges down, and therefore a common interest in keeping hospital wages down.

There are two important things to notice about the interest of these groups: the interests of one interest group may conflict with the interest of another interest group, as in the example above; and a given interest group exists only to protect the common interest of its own members, not to seek what is in the best interest of the nation as a whole or of any other interest group. Therefore, when we hear from an interest group, we may be sure of only one thing: the message is intended to protect the interests of that group. It may or may not protect our own interests; it may even conflict with our own interests. And it may or may not protect the interests of the nation as a whole.

Interest groups perform a variety of functions for their members, but this reading is concerned with only two of them: how interest groups affect voters, and how interest groups affect politicians.

Interest groups affect voters both directly (e.g., through paid advertisements in newspapers and on radio and television) and indirectly (e.g., by paying for advertisements supporting ballot propositions that the interest groups want us to vote for). For example, an interest group composed of people who work for hospitals might buy direct advertising that leaves a favorable impression about hospital employees or leaves the impression that hospital employees are underpaid or overworked. The same interest group might also buy advertising for a ballot proposition that would result in a pay raise for hospital employees, or buy advertising urging us to vote against a ballot proposition that would result in a pay cut for hospital employees. If the advertising is direct, it usually bears the name of the interest group that paid for it. But if it is indirect, it usually bears only the name of an organization such as the "Committee to Support Proposition X," and does not tell who paid for the advertising.

Interest groups affect politicians in a variety of ways. One way is by contributing to the campaign funds of politicians who they think will support their interests if they get elected. Another, and perhaps more important, way is to talk directly to politicians who are already in office.

Most interest groups hire people called lobbyists. A lobbyist is a person whose job is to persuade politicians in office to support the interests of a particular interest group. In Congress, lobbyists work primarily by providing information for members of Congress, as opposed to providing arguments that support one position or another. Lobbyists serve a useful function for most members of Congress, who are obligated to make decisions on a variety of matters that they may know little or nothing about.

Consider, for example, a Senator whose main field of interest is foreign relations. This Senator is likely to have a lot of information already at hand when it is time to vote on a question about how the United States should treat some foreign country. But when it is time to vote on a question about how the dairy industry in this country should be regulated, the Senator may have little or nothing to go on, unless he happens to come from a state where there are a lot of dairy farmers--or unless a lobbyist for the dairy industry provides him with some well-prepared, easy-to-read information about the dairy industry.

Of course, when the dairy question comes up, the dairy lobbyist may not be the only one standing outside the door to the Senator's office. There might also be a lobbyist for a group that wants to prevent heart disease by discouraging people from using foods that contain high percentages of saturated fatty acids, such as milk and butter. And there might be another lobbyist from the soybean growers, armed with reasons why less land should be devoted to dairy cattle and more land should be devoted to soybean production. And there may be a few others as well. If the Senator listens to them all, and reads all the information they have brought, he will be relatively well informed on the question that he is about to vote on. He will have seen facts and figures prepared by different interest groups, giving different impressions of conditions in the dairy business and what should be done about them.

There is, of course, one difficulty with relying on lobbyists to supply you with all your information: not everybody has a lobbyist. There may be some aspect of the dairy question that is not covered in any of the lobbyists' presentations, and the Senator may remain ignorant of that aspect of the question because there is no lobbyist to represent it.

Another difficulty is that not all interest groups are equally wealthy, and therefore not all sides of a question are presented equally fully, attractively or accurately. To the extent that lobbyists provide the information on which members of Congress base their decisions, there is a possibility that those decisions are based on information that favors wealthy interest groups over poor ones.

HEARINGS ON HEALTH-CARE PROPOSALS

During the next several lessons, you and the other members of your class will participate in a role-playing activity. This reading introduces the situation. The general situation is a series of Congressional hearings. You will play either a Member of Congress (MC), an MC's staff member or a representative of a special interest group that has an interest in the hearings.

The hearings have come about because several MC's have introduced their own health-care proposals in the House of Representatives. These proposals have been referred to a committee of the House of Representatives; the committee will later recommend to the House the action it thinks the House should take.

First, however, the committee has instructed one of its subcommittees to hold hearings on the health-care proposals that have been submitted. This subcommittee will hear evidence and make a recommendation to the committee; the committee will later decide what ought to be done and make a recommendation to the whole House. Your class will role-play the hearings of the subcommittee.

About five members of your class will play the roles of members of the subcommittee. Their responsibilities will be: to write an agenda and rules for the hearings, to hear evidence, to question witnesses and to make a recommendation to the committee.

About three members of your class will play the roles of MC's who are presenting health-care proposals to the subcommittee. Each of these MC's will have the help of two staff assistants. Each of these small groups will have the responsibility of preparing a health-care proposal and presenting it to the subcommittee.

The remaining members of the class will play the roles of members of interest groups that wish to testify on the health-care proposals before the subcommittee.

Each interest group will have the responsibility of listening to the proposals and then advising the subcommittee on the proposals.

Remember that this is a role-playing activity, not a simulation. There are some important differences. A simulation is a working model of a social process. It is set up like a game, and if you follow the rules of the game you can learn something about how the real social process works. In a role-playing activity you also learn something about how a real social process works, but, more important, you learn what it is like to play a particular role in a social process. A role-playing activity is set up not like a game, but like an unfinished play: the playwright has described the characters in his play, but he has only outlined the plot and he has not written the script; the role-players must imagine that they are the characters, and work out the plot by acting as they think those characters would act.

The dice game you played earlier in this unit was a simulation of a certain real process in government: the allocation of responsibility. In that simulation you could be yourself, but you had to follow certain rules in order for the simulation to work.

The next few days' role-playing activity represents a process that also takes place in government, namely, a part of the legislative process in the House of Representatives. Because it is a role-playing activity, you do not get to be yourself; instead, you have to pretend that you are another person, and act as you think that person would act.

Immediately following this reading are three sets of instructions: one for the MC's and staff members who will sponsor legislative proposals, one for the members of the subcommittee and one for the representatives of the interest groups. These instructions describe the "characters" in the role-playing activity, and they also outline the "plot."

Before your next class meeting, look over all three sets of instructions and think about which role you would like to play. At the next class meeting, roles will be determined and the various groups will make their preparations for the subcommittee hearings.

INSTRUCTIONS: SPONSORS OF LEGISLATION

One member of your group is a Member of Congress (MC) and the other members are employers on the MC's staff. Your task as a group will be to formulate a proposal for an alternative health-care system and present it to a subcommittee of the House of Representatives. There are two requirements for the content of the proposal: it must be realistic, and it must reflect the views of your particular MC's constituents and supporters.

A. Suggestions for Completing the Group Task: Your group should do the following things during the first day's class meeting.

1. Read the description of your MC's constituents and supporters in Part B below. (Only one of the three descriptions applies to you.)

2. Decide who in your group will be the MC and who will be the staff members. The MC will present your proposal before the House of Representatives Subcommittee on Health Legislation.

3. Determine what are the main value principles your proposal should serve. You do not have to formulate these in detail, but you should keep a record of them. Remember that your group's proposal must reflect the views of your MC's constituents and supporters.

4. Design your proposal. Refer to the checklist, "Things to Look For in a Health-Care Proposal." Members of the Subcommittee may be using this checklist to question you on your proposal, and representatives of interest groups will

testify before the Subcommittee on their reactions to your proposal. You may want to use one of the two proposals you have read, modify one of them, or design an entirely new proposal.

5. Prepare a written summary of your proposal.

B. Constituents and Supporters: One of the three descriptions below applies to your group's MC.

1. First MC: Your constituents are largely rural. Many work on farms. Unemployment in your district is not worse than the national average, but the median income of your constituents is below the median income for the nation. Your average constituent has 8.2 years of education. Most adults in your district are married and have three or four children. Many own their own homes.

Much of the cost of your re-election campaigns is paid for with contributions from small businessmen in the communities in your district. You do not receive much support either from employees of large corporations or from labor unions; there are not many of either anywhere near your district.

In the past your constituents have not supported proposals that would require higher taxes (on any level--federal, state or local) or more involvement of government (on any level) in any kind of decision-making that is now left up to private citizens. They have voted against every welfare proposal that has ever been placed before them; your district has one of the lowest percentages of welfare recipients of all Congressional districts in the nation.

Your constituents have supported proposals that would take decision-making authority away from the federal government and give it to state and local governments, or would take it away from government altogether and leave it to individual citizens.

2. Second MC: Your constituents are largely urban. Many households in your district are headed by members of labor unions. Unemployment in your district is slightly above the national average, but the median income is above the median for the nation. Your average constituent has 12.6 years of education. The majority of households in your district consist of married couples, one or both of whom are working or looking for work, who have one or two children and are buying their homes. However, there are also many single-member households, consisting of young people who work or go to school and who rent homes or apartments.

A large proportion of the cost of your re-election campaigns is paid for with contributions from labor unions. You receive very little money from individual contributors, especially employees of large corporations, but you do receive some from small businessmen in your district. You could run a winning campaign without the small businessmen's contributions, but not without organized labor's endorsement and support.

In the past your constituents have not supported proposals that would require local, neighborhood initiative and money to solve community problems. They have supported proposals that would bring federal money and federal decision-makers into the community to solve community problems. Generally, they have supported their unions' positions. On health care, the unions in your district are lobbying for a program that will provide complete health care for all citizens at the expense of the federal government or of employers, and under the federal government's supervision.

3. Third MC: Your constituency includes part of a city and most of the outlying suburbs. The city is a financial center rather than an industrial center. Most of the people who live in the suburbs work in the city; there is very little farming. Unemployment is relatively low in your district and the median income is well above the median income for the nation. Your average constituent has had some college education. There is a great variety of households in your district, particularly in the city. However, most of the voters you count on are suburban residents who work for large corporations in the city. Most of these people live in households of two adults and two or three children and are buying their homes.

A large part of the cost of your re-election campaigns is paid for with contributions from employees of a few very large corporations with offices in your city. These include insurance companies, communications companies (radio, television, magazines), stock brokerage houses, banks and a transportation combine (railroads and truck lines). You also receive contributions from other citizens, including local businessmen, but you could not survive in office without the employees of the large corporations.

In the past the constituents on whom you most depend for electoral support have not supported proposals that would give federal, state, or local government more power over corporations or would give labor unions more power. They have supported proposals that would give tax breaks and other benefits to corporations. The voters you rely on for votes do not display much interest in alternative health-care plans, since most of them are well off and have adequate health insurance already. However, the corporations whose employees you rely on for money are interested in keeping control over the health-care system in the hands of private insurance companies, privately owned hospitals and physicians in private practice. They do not oppose the spending of federal money on health, but they want to keep health decisions out of the hands of the federal government.

INSTRUCTIONS: SUBCOMMITTEE MEMBERS

Your group represents the House of Representatives Subcommittee on Health Legislation; each member of your group is a Member of Congress (MC). Your task at the next class meeting will be to hear three proposals for alternative health-care systems; these proposals will be presented by other MC's. After you have heard all proposals and questioned their sponsors, you will hear testimony from a variety of interest groups. Then you will discuss the proposals and vote on what to recommend that your full Committee do about these proposals.

A. Suggestions for Completing the Group Task: Each member of your group should do the following things during the first day's class meeting.

1. Read the description of your constituents in Part B below. (One description applies to each member of your group.)

2. Decide individually what value principles you will support as a Subcommittee member. Your work on the Subcommittee should reflect the views of your constituents. You do not have to work out your position in detail, but you should write down your conclusions so that you can refer to them as the Subcommittee's work progresses. Refer to the checklist, "Things To Look For in a Health-Care Proposal," as you work on this task.

3. Decide as a group which member of the Subcommittee will be the Chairperson.

4. Decide on the rules for the next few days' activities, and prepare an agenda. Following are some points you should consider.

a. Presentation of Proposals: In what order will sponsors appear? Will sponsors be allowed to make their proposals without interruption or will members of the Subcommittee be allowed to interrupt to ask questions? Will members of the Subcommittee divide up the work of questioning the sponsors or will each member ask whatever questions he likes of each sponsor? How much time will each sponsor have to present his proposal? How much time will each Subcommittee member have for questions? In what order will Subcommittee members ask questions? (That is, who will be first, second, etc.?)

b. Testimony of Witnesses: In what order will witnesses (representatives of interest groups) appear? Will witnesses be allowed to make opening statements or only to answer questions from members of the Subcommittee? How much time will be granted to each interest group? How much time will each Subcommittee member have for questions? In what order will Subcommittee members question witnesses?

c. Recalling Witnesses: After you have heard all proposals and all witnesses, you may wish to recall some of the sponsors or some of the interest groups for further questioning. Decide what rules will apply if witnesses are recalled.

d. Decide: When you have heard all the testimony, the members of the Subcommittee will need to discuss the proposals. You will need rules for this discussion. In what order will members speak? How much time will each member have to speak? Will members be allowed to speak more than once? Will members be allowed to speak only on motions to amend or adopt the proposals that have been offered, or may they make general remarks before any motions are placed before the Subcommittee? If members move to adopt new proposals they have prepared themselves, will all members be allowed to discuss these proposals? How much total time will be allowed for the discussion?

5. Make a record of the rules and agenda you decide on, and see that both the MC's who offer proposals and the interest groups who will appear as witnesses are informed of the rules and agenda.

6. Review Part C below, which describes further tasks you will have to perform after you have heard the proposals and witnesses.

B. Constituents:

1. First Member: You represent a district in the middle of a large city. A large percentage of your constituents are members of racial and ethnic minorities. The unemployment rate in your district is more than twice the rate for the nation as a whole. The average income is below the poverty level. A large proportion of your constituents rely on local, state and federal government programs for health care, and many complain that the care they get is inadequate.

2. Second Member: Your district lies in the newer parts of a large city. It is much like the district of one of the MC's who will be proposing a health-care plan. (See Part B. 2. of "Instructions: Members of Congress Offering Proposals.") About 20% of your constituents are members of racial and ethnic minority groups. The unemployment rate and the average income in your district are close to the national averages. A large proportion of your constituents get health care through their unions, or through programs that their employers have established at the unions' insistence. Unemployed persons and some non-union employees complain of poor-quality health care at excessive prices.

3. Third Member: Your district consists almost entirely of "bedroom communities" near a large city. It is much like the district of one of the MC's who will be proposing a health-care plan. (See Part B. 3. of "Instructions: Members of Congress Offering Proposals.") Very few of your constituents identify themselves as members of ethnic or racial minority groups. Unemployment is very low and the median income in your district is well above the median income for the nation. Most of your constituents are covered by health-insurance programs paid for by their employers. Some complain about inadequate dental coverage, but by and large your constituents are satisified with the health care they get.

4. Fourth Member: Your district is a farming area with a number of small towns in it. It is much like the district of one of the MC's who will be proposing a health-care plan. (See Part B. 1. of "Instructions: Members of Congress Offering Proposals.") Very few of your constituents are members of ethnic or racial minority groups. The unemployment rate for your district is about the same as the rate for the nation as a whole, but the median income is well below the median income for the nation as a whole. Many of your constituents are covered by private insurance programs that they pay for themselves, but most have no health insurance. Many are eligible for free health care under federal government programs, but few take advantage of it. Many of your constituents have complained that health care is too expensive and that many needed health-care services are not available in the district at any price.

5. Fifth Member: Your district covers a large rural area with a few small towns in it. About 20% of your constituents are members of ethnic or racial minority groups. Unemployment in your district is very high, and the average income is very low. Most of your constituents have no health insurance at all.

Most are eligible for free health care under the federal government programs, but few take advantage of it. Most of your constituents complain that health care is too expensive and that many needed health-care services are not available in the district.

C. Further Tasks: After your Subcommittee has heard all the proposals and questioned all the witnesses, you may wish to recall some of the sponsors or some of the witnesses for further questioning. As soon as you have heard from all witnesses the first time, meet to decide whether you want to hear more testimony. If you do, go over your rules to see if they need any changes; if so, notify all witnesses of the changes. Notify all persons involved that you want to question them and tell them what you want to question them about.

When the Subcommittee is satisfied that it can learn no more from the witnesses available, it must decide what recommendation it will make to the committee of which it is a part. The Subcommittee must then discuss the proposals and decide what recommendation to make. There are several possible recommendations, as described below.

1. Recommend one of the proposals as it stands.

2. Recommend one of the proposals with modifications. You need not describe the modifications in detail, but you should give the committee some idea what needs to be modified and why.

3. Recommend a new proposal. If the Subcommittee wishes, it may suggest the outlines of a new proposal that is not the same as any of the proposals it has heard about.

4. Recommend that none of the proposals be adopted.

No matter what your recommendation to the committee, include a description of your reasons.

Note: If the Subcommittee is sharply divided, a minority may submit a minority report to accompany the majority report to the committee. The minority may make recommendations of its own.

INSTRUCTIONS: INTEREST GROUPS

Your group represents an interest group. That means that you will assume the role of representatives of a group that has a particular interest in many matters, including the possible adoption of a national health-care plan. There are many interest groups in American society. It's possible for one individual to identify with more than one such group. Labor unions, ethnic organizations, associations of persons who own or manage similar types of businesses and associations of professional persons are all examples of interest groups. The Airline Pilots Association, The Polish National Alliance, The National Association of Secondary School Principals and the American Nurses Association are all interest groups. Some interest groups that may have a concern with health-care delivery are listed at the end of this reading.

An interest group attempts to influence lawmakers by presenting as strong a case as it can for voting according to what the interest group believes is best. The number of voters that are represented by an interest group is an important factor in many decisions facing members of state and national legislatures. For example, if a congressman's district included a large number of members of labor unions, their votes would be important and he would consider this in deciding what stand to take on labor-related issues.

Of course, a politician in Congress is obligated to represent those who elect him. However, he is also obligated to seek the best interests of the nation. Interest groups and their lobbyists, attempting to persuade politicians to vote in a particular way, may suggest the possibility that the politician will loose the support of large numbers of voters back home if he doesn't support their position. They may also suggest that their own position is in the best interests of the nation.

Often representatives of an interest group are invited to testify during a congressional hearing on legislation. They attempt to persuade those members of Congress involved in the hearing to vote according to the wishes of the interest group. This is the role you will play during the hearings on national health-care plans that will be conducted in your class.

A. Suggestions for Completing the Group Task: After hearing the plans that are presented, your group will have an opportunity to respond and to state the position of your interest group. Before hearing the plans, your group should do the following things.

1. Read the description of your interest group in Part B below. (One description applies to your group.)

2. Decide what value principles your interest group supports. You do not need to work these out in detail, but you should keep a list of them to refer to as the activity progresses.

3. Review the checklist, "Things To Look For in a Health-Care Proposal," in the Student Text, and decide what position your group will take on each item in the checklist. Keep a permanent record of your group's positions on these items.

4. Decide which members of your group will perform what tasks in the days to come. For example, during the presentation of the proposals you should take notes on the proposals. Should all group members take notes on everything? One member on each proposal? One member on all proposals but concentrating on one or two points from the checklist?

After the proposals have been presented you will have some time to prepare a response. Decide whether one member of the group will address the subcommittee or whether all members will speak. (If all speak, you can divide up the work.) Decide whether your group wishes to make a statement about its position, as an interest group, on health care in general; to put forth a proposal of its own; or only to respond to the specific proposals that have been presented.

B. Some Interest Groups You May Represent: There are many interest groups that may have a concern with national health-care plans. Your group may decide to represent one of these, or some other interest group. Descriptions follow.

1. Welfare Rights Organization: You represent welfare recipients and seek to protect their rights.

2. AFL-CIO or Other Labor Organization: You represent a large part of organized labor and seek to protect the interests of union members.

3. Racial or Ethnic Group: You may represent the political and economic interests of a large number of members of a minority such as blacks, chicanos, Asian-Americans or Native Americans.

4. Consumer Action: You represent the interests of consumers of all sorts of goods and services; you are interested in such things as lower prices, truth in advertising, quality products and consumer safety.

5. Senior Citizens: You represent the political and economic interests of old people.

6. American Medical Association: You represent the political and economic interests of most physicians in the U.S.

7. American Psychiatric Association: You represent the political and economic interests of a large proportion of the psychiatrists in the U.S.

8. American Dental Association: You represent the political and economic interests of most dentists in the U.S.

9. American Nurses Association: You represent the political and economic interests of most nurses in the U.S.

10. American Hospital Association: You represent the political and economic interests of privately owned hospitals, i.e., those which must take in as much money as they pay out in order to stay in business.

11. National Association of Manufacturers: You represent the political and economic interests of most of the large corporations in the U.S.--those which hire the union members and pay for their medical insurance.

12. Chamber of Commerce: You represent the political and economic interests of a large proportion of the relatively small, privately owned businesses in the U.S.

13. Insurance Companies of America: You represent the political and economic interests of a large proportion of the insurance companies in the U.S. including those which profit from private health-insurance programs.

CHECKLIST: THINGS TO LOOK FOR IN A HEALTH-CARE PROPOSAL

1. How much money will it cost? More or less than the present system?

2. Where will the money come from?

3. Who will make decisions on allocation of resources?

4. Who will set criteria for these decisions?

5. What role will health-care providers have in decision-making?

6. What proportion of the cost will be paid directly by the consumer when he gets health care (i.e., not in the form of taxes or insurance premiums)?

7. What will be the ratio of preventive care to episodic[1] and emergency care?

8. What will be the ratio of general health care to health care for persons with catastrophic illness?[2]

9. Will there be a role for private insurance companies? If so, what will it be?

10. Will there be a role for local citizens' advisory groups? If so, what will it be?

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[1] episodic care: People who seek care only when they are sick--when they are having an "episode" of illness--are said to be seeking episodic health care. Regular checkups are not "episodic."

[2] catastrophic illness: A catastrophic illness is one that is very expensive to take care of. A person or family that can pay for regular checkups or for episodic care for most illnesses may be driven to bankruptcy in a matter of months by a single catastrophic illness, such as an incurable cancer.

APPENDIX: THE DECLARATION OF INDEPENDENCE

When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.--That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institue new Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it as once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers; the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intensions, do, in the Name, and by Authority of the good People of these Colonies solemnly publish and declare. That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do.

And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

[Signature Ommited]